SENATE

WEDNESDAY, JULY 24, 1963

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O Thou whose mercy never faileth, in these epochal days we would be the servants of Thy will.

With the gaze of the Nation and the world fixed upon this Chamber of governance, we would solemnly reaffirm, in this dedicated moment, the reverent declaration of those who long ago with intrepid courage and with radiant hope stepped upon the shores of this new land—"In the name of God, amen."

We thank Thee for the things that unite us: the passion for freedom; the hatred of tyranny; the steadfast belief that in Thy providence a purged America has come to the kingdom for such a time as this; for the vision splendid of a redeemed earth when gnawing hunger and blighting superstition, and needless pain and misery, will be but haunting memories. We thank Thee for the things that unite us.

For the triumph of the global crusade now raging, whose victory will mean that men everywhere will live in freedom, we would here set up our banners with the prayer that our imperfect service may express something of Thee before life's little day ebbs out and the night comes down and our work is done.

We ask it in the name of Him who is the way, the truth, and the light. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, July 22, 1963, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on July 22, 1963, the President had approved and signed the act (S. 1745) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 489. An act to amend the act of March 5, 1938, establishing a small claims and conciliation branch in the municipal court for the District of Columbia; and

S. 490. An act to amend the act of July 2, 1940, as amended, relating to the recording of liens on motor vehicles and trailers registered in the District of Columbia, so as to eliminate the requirement that an alphabetical file on such liens be maintained.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 47) to print additional copies of certain hearings on effects of television portrayal of crime on young people.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6128. An act to amend section 15 of the Life Insurance Act to permit any stock life insurance company in the District of Columbia to maintain its record of stockholders at its principal place of business in the District of Columbia or at the office of its designated stock transfer agent in the District of Columbia, and for other purposes;

H.R. 6350. An act to amend the act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892, as amended;

H.R. 6353. An act to amend the District of Columbia Unemployment Compensation Act, as amended;

H.R. 7043. An act to amend the act of March 2, 1931, to provide that certain proceedings of the Veterans of World War I of the United States, Inc., shall be printed as a House document, and for other purposes; and

H.R. 7356. An act to amend title 10, United States Code, relating to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 194) authorizing the printing of additional copies of the "Pledge of Allegiance to the Flag," in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 6128. An act to amend section 15 of the Life Insurance Act to permit any stock life insurance company in the District of Columbia to maintain its record of stockholders at its principal place of business in the District of Columbia or at the office of its designated stock transfer agent in the District of Columbia, and for other purposes;

H.R. 6350. An act to amend the act entitled "An Act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892, as amended;

H.R. 6353. An act to amend the District of Columbia Unemployment Compensation Act, as amended; to the Committee on the District of Columbia;

H.R. 7043. An act to amend the act of March 2, 1931, to provide that certain proceedings of the Veterans of World War I of the United States, Inc., shall be printed as a House document, and for other purposes; to the Committee on Rules and Administration; and

H.R. 7356. An act to amend title 10, United States Code, relating to the nomination and selection of candidates for appointment to the Military, Naval, and Air Force Academies; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 194) authorizing the printing of additional copies of the "Pledge of Allegiance to the Flag" was referred to the Committee on Rules and Administration, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed three hundred and twenty-two thousand five hundred additional copies of House Document Numbered 225, Eighty-fourth Congress, first session, entitled "Pledge of Allegiance to the Flag", of which two hundred and nineteen thousand five hundred copies shall be for the use of the House of Representatives and one hundred and three thousand copies shall be for the use of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore announced that on July 22, 1963, the Vice President had signed the following enrolled bill and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.R. 5279. An act making appropriations for the Department of the Interor and related agencies for the fiscal year ending June 30, 1964, and for other purposes; and

H.J. Res. 513. Joint resolution authorizing the President to proclaim the week beginning July 28, 1963, as Veterinary Medicine Week.

LIMITATION OF STATEMENTS DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letters, which were referred as indicated:

AMENDMENT OF IMMIGRATION AND NATIONALITY ACT

A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

REPORT ON CONSTRUCTION AT U.S. NAVAL AMMUNITION AND NET DEPOT, SEAL BEACH, CALIF., AND SANTA SUSANA AIR FORCE PLANT, AT CHATSWORTH, CALIF.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the construction at the U.S. Naval Ammunition and Net Depot, Seal Beach, Calif., and Santa Susana Air Force Plant No. 57 at Chatsworth, Calif.; to the Committee on Aeronautical and Space Sciences.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

REPORT ON TITLE I AGREEMENTS UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Associate Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on title I agreements under the Agricultural Trade Development and Assistance Act of 1954, for the month of June 1963 (with an accompanying report); to the Committee on Agriculture and Forestry.

PROPOSED TRANSFER OF LANDING CRAFT TO PAMLICO COUNTY HEALTH DEPARTMENT, NORTH CAROLINA

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed transfer of a 56-foot landing craft to the Pamlico County Health Department, county of Pamlico, State of North Carolina; to the Committee on Armed Services.

PROPOSED DONATION OF CERTAIN SURPLUS OBSOLETE MATERIAL TO CITY OF ROANOKE, VA.

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed donation of certain surplus obsolete material to the city of Roanoke, Va.; to the Committee on Armed Services.

REPORT ON PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on procurement from small and other business firms, for the month of May 1963 (with an accompanying report); to the Committee on Banking and Currency.

ACCEPTANCE OF GIFTS AND BEQUESTS BY DEPARTMENT OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to accept gifts and bequests for the purposes of the Department of Commerce (with accompanying papers); to the Committee on Commerce.

AMENDMENT OF JOINT RESOLUTION RELATING TO MEMBERSHIP OF THE UNITED STATES IN THE SOUTH PACIFIC COMMISSION

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission (with an accompanying paper); to the Committee on Foreign Relations.

REPORT OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of the National Advisory Council on International Monetary and Financial Problems, for the period July 1–December 31, 1962 (with an accompanying report); to the Committee on Foreign Relations.

REPORT ON REVIEW OF CONSTRUCTION OF EMBASSY OFFICE BUILDING AND AMBASSADOR'S RESIDENCE, RABAT, MOROCCO

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of construction of Embassy office building and Ambassador's residence, Rabat, Morocco, Office of Foreign Buildings, Department of State, dated July 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PROCUREMENTS OF ALUMINUM CAPS AND CANS WITHOUT ADEQUATE PRICING DATA

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on procurements of aluminum caps and cans without adequate pricing data by the E. I. du Pont de Nemours & Co., Inc. from the Aluminum Co. of America, under an Atomic Energy Commission contract, dated July 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON NORTH CAROLINA-GEORGIA EXTENSION OF BLUE RIDGE PARKWAY

A letter from the Secretary of the Interior and Secretary of Commerce, transmitting, pursuant to law, a report on the feasibility and desirability of developing a national parkway extending from the Blue Ridge Parkway near Beech Gap, N.C., southwest into Georgia, dated June 1963 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON PETITIONS TO CLASSIFY STATUS OF CERTAIN ALIENS FIRST PREFERENCE

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, petitions to classify the status of certain aliens first preference (with accompanying papers); to the Committee on the Judiciary.

AMENDMENT OF ACT RELATING TO TRANSPORTATION OF REMAINS, FAMILIES, AND EFFECTS OF CERTAIN FEDERAL EMPLOYEES DYING ABROAD

A letter from the Administrator, Federal Aviation Agency, transmitting a draft of proposed legislation to amend the act of July 8, 1940, relating to the transportation of the remains, families, and effects of Federal employees dying abroad, so as to restore the benefits of such act to employees dying in Alaska and Hawaii, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the General Assembly of the State of Ohio; to the Committee on Commerce:

"SENATE JOINT RESOLUTION 33

"Joint resolution to memorialize the Congress of the United States to restore local airline service to Ohio cities as such service existed during December 1962

"Whereas the members of the 105th General Assembly of Ohio are fully cognizant that local service certificated airlines operating in the United States of America now receive a subsidy, the formula concerning which is administered by the Civil Aeronautics Board; and

"Whereas the Civil Aeronautics Board has recently developed a new formula for the allocation of subsidy among the local service airlines; and

"Whereas Lake Central Airlines has rendered valuable and economical services both to the major terminal cities as well as to many smaller cities in the State of Ohio; and

"Whereas it is believed that the new subsidy formula will adversely affect Lake Central Airlines and will result in a substantial decrease in local airline service to our Ohio cities; and

"Whereas Lake Central Airlines now has pending applications Nos. 14232 and 14233 before the Civil Aeronautics Board seeking authority to reduce service at the following cities and further has been required to reduce service to the cities of Dayton, Findlay, Lima, Portsmouth, Toledo, and Youngstown in order to accommodate this subsidy reduction, all to the detriment of these growing communities: Therefore be it

"*Resolved*, That the 105th General Assembly of the State of Ohio by adopting this resolution hereby registers a formal protest to the proposed subsidy formula of the Civil Aeronautics Board, which will result in a decrease of local carrier air service to the cities of Ohio which are now enjoying such service; and be it further

"*Resolved*, That the public convenience and necessity will be best served by restoration of local airline service to the Ohio cities as such service existed during December 1962; and be it further

"*Resolved*, That the clerk of the senate transmit a duly authenticated copy of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from Ohio in the Congress of the United States.

"ROGER CLOUD,
"*Speaker of the House of Representatives.*
"JOHN BEOW,
"*President of the Senate.*

"Adopted June 25, 1963.

"Attest:

"THOS. E. BATEMAN,
"*Clerk.*"

A joint resolution of the General Assembly of the State of Vermont; to the Committee on Finance:

"JOINT RESOLUTION RELATING TO PENSION FOR WORLD WAR I VETERANS

"Whereas the national policy of the United States concerning veterans of the United States has been to grant assistance to them in their declining years by a pension in consideration of their military services in defense of our country; and

"Whereas there has been no general pension granted to veterans of World War I by the United States: Now, therefore, be it

"*Resolved by the senate and house of representatives*, That the General Assembly of the State of Vermont hereby urges the Congress of the United States to enact legislation granting a pension to veterans of World War I comparable to grants to veterans of American wars prior to World War I; and be it further

"*Resolved*, That copies of this resolution be sent forthwith by the secretary of state of Vermont to the President of the United States, to the Presiding Officers of each branch of the Congress, and to the Members thereof from the State of Vermont.

"Approved June 27, 1963."

A resolution of the General Assembly of the State of Rhode Island; to the Committee on the Judiciary:

"HOUSE RESOLUTION 1521

"Resolution memorializing Congress respectfully requesting the enactment of appropriate Federal legislation to incorporate the Italian American War Veterans of the United States Inc. as a national organization

"*Resolved*, That the Members of the Congress of the United States be and they are hereby respectfully requested to enact such legislation to incorporate the Italian American War Veterans of the United States, Inc., as a national organization; and further

"Resolved, That the secretary of state be and he is thereby requested to transmit to the Senators and Representatives from Rhode Island in the Congress of the United States duly certified copies of this resolution in the hope that each will use every endeavor to have favorable action taken by Congress upon this special matter."

RESOLUTIONS OF MASSACHUSETTS GENERAL COURT

Mr. KENNEDY. Mr. President, on behalf of my colleague, the senior Senator from Massachusetts [Mr. SALTONSTALL], and myself, I present a certified copy of a resolution entitled "Resolutions Memorializing the Congress of the United States To Enact Legislation Consenting to the Northeastern Water and Related Land Resources Compact," passed by the General Court of the Commonwealth of Massachusetts on July 17, 1963.

I ask that this resolution be appropriately referred, and printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Interior and Insular Affairs, and, under the rule, ordered to be printed in the RECORD, as follows:

Whereas the Northeastern water and related land resources compact provides a means for coordinated planning of resource development in New England with consequent benefit to the people of the region; and

Whereas the compact has been entered into and enacted into law by the States of Connecticut, Massachusetts, New Hampshire, and Rhode Island and requires only approval by the Congress to become effective: Now, therefore, be it

Resolved, That the General Court of Massachusetts memorializes the Congress of the United States to enact pending legislation consenting to the Northeastern water and related land resources compact; and be it further

Resolved, That copies of these resolutions be sent forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of the Congress, and to each Member thereof from the Commonwealth.

Adopted by the Senate July 15, 1963.

THOMAS A. CHADWICK,
Clerk.

Adopted by the House of Representatives, in concurrence, July 17, 1963.

WILLIAM C. MAIERS,
Clerk.

Attest:

KEVIN H. WHITE,
Secretary of the Commonwealth.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment:

H.R. 2221. An act to provide for the free entry of a mass spectrometer for the use of Stanford University, Stanford, Calif. (Rept. No. 373);

H.R. 2675. An act to extend for 3 years the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning, may be imported free of duty (Rept. No. 374);

H.R. 3272. An act to provide for the free entry of an orthicon image assembly for the use of the Medical College of Georgia, Augusta, Ga. (Rept. No. 375);

H.R. 3674. An act to amend the Tariff Act of 1930 to provide that polished sheets and plates of iron or steel shall be subject to the same duty as unpolished sheets and plates (Rept. No. 376);

H.R. 5712. An act to suspend for a temporary period the import duty on heptanoic acid (Rept. No. 377); and

H.R. 6011. An act to continue for a temporary period the existing suspension of duty on certain istle or Tampico fiber (Rept. No. 378).

By Mr. WILLIAMS of New Jersey, from the Committee on Banking and Currency, with an amendment:

S. 1642. A bill to amend the Securities Act of 1933, as amended, and the Securities Exchange Act of 1934, as amended, to extend disclosure requirements to the issuers of additional publicly traded securities, to provide for improved qualification and disciplinary procedures for registered brokers and dealers, and for other purposes (Rept. No. 379).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service:

Two hundred and thirty-seven postmaster nominations.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LAUSCHE (for himself and Mr. BENNETT):

S. 1926. A bill to amend the Rural Electrification Act of 1936, as amended, to make more specific the purpose for which loans may be made under sections 2 and 4 of such act, and to modify the provisions relating to interest rates on loans made under such act; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. LAUSCHE when he introduced the above bill, which appear under a separate heading.)

By Mr. BENNETT:

S. 1927. A bill to amend the National Defense Education Act of 1958 in order to authorize for teachers in private nonprofit schools certain benefits under the provisions of titles II, V, and VI of such act provided for teachers in public schools; to the Committee on Labor and Public Welfare.

By Mr. KUCHEL:

S. 1928. A bill to authorize the Administrator of General Services to sell a part of the former Cheli Air Force Station to Chanslor-Western Oil & Development Co., by negotiation, and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. KUCHEL when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 1929. A bill for the relief of Vladimir Petrovich; and

S. 1930. A bill for the relief of Resan Tokad; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 1931. A bill to provide that the United States shall hold certain land in trust for the members of the Alamo Band of Puertocito Navajo Indians; to the Committee on Interior and Insular Affairs.

By Mr. HART (for himself, Mr. WILLIAMS of New Jersey, Mr. YOUNG of Ohio, Mr. JAVITS, Mr. HUMPHREY, and Mr. KEATING):

S. 1932. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. HART when he introduced the above bill, which appear under a separate heading.)

By Mr. SYMINGTON:

S. 1933. A bill to authorize the Department of the Army to make equitable contribution to the costs incurred by the village of Goodfellow Terrace, Mo., in providing municipal services with respect to real property of the United States; to the Committee on Government Operations.

By Mr. HARTKE:

S. 1934. A bill to repeal the provisions of the Highway Revenue Act of 1956 requiring certain adjustments of apportionments depending upon the amount of funds available in the highway trust fund; to the Committee on Finance.

(See the remarks of Mr. HARTKE when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN (for himself, Mr. HUMPHREY, Mr. KEFAUVER, Mr. MORSE, Mr. RANDOLPH, Mr. HILL, and Mr. YARBOROUGH):

S. 1935. A bill to amend the Clayton Act by making section 3 of the Robinson-Patman Act a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act; to the Committee on the Judiciary.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. PELL (for himself and Mr. PASTORE):

S. 1936. A bill authorizing the State of Rhode Island or its instrumentality to maintain, repair, and operate the bridge across Mount Hope Bay subject to the terms and conditions of the act approved March 23, 1906; to the Committee on Public Works.

By Mr. HUMPHREY (for himself, Mr. CLARK, Mr. CASE, Mr. HART, Mr. DOUGLAS, Mr. RANDOLPH, Mr. NELSON, Mr. RIBICOFF, Mr. WILLIAMS of New Jersey, Mr. LONG of Missouri, Mr. GRUENING, and Mrs. NEUBERGER):

S. 1937. A bill to promote equal employment opportunity by securing equal treatment in the various incidents of employment, to establish an Equal Employment Opportunity Administration in the Department of Labor, and for other purposes; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. HILL:

S.J. Res. 103. Joint resolution to increase the amount authorized to be appropriated for the work of the President's Committee on Employment of the Physically Handicapped; to the Committee on Labor and Public Welfare.

By Mr. LONG of Missouri (for himself, Mr. SYMINGTON, Mr. DOUGLAS, and Mr. DIRKSEN):

S.J. Res. 104. Joint resolution exempting the Bi-State Development Agency, its affiliates and the transportation rendered by either, whether by motor or rail, within the Bi-State Development District from the applicability of the provisions of the Interstate Commerce Act, as amended, and the rules, regulations, and orders promulgated thereunder; to the Committee on the Judiciary.

(See the remarks of Mr. LONG of Missouri when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTION—STANDING COMMITTEE ON VETERANS' AFFAIRS

Mr. DIRKSEN submitted a resolution (S. Res. 176) to create a Standing Committee on Veterans' Affairs and for the Veterans' Administration, which was

referred to the Committee on Rules and Administration.

(See the above resolution printed in full when submitted by Mr. DIRKSEN, which appears under a separate heading.)

AMENDMENT OF RURAL ELECTRIFICATION ACT

Mr. LAUSCHE. Mr. President, on behalf of myself and the Senior Senator from Utah [Mr. BENNETT], I introduce, for appropriate reference, a bill to amend the Rural Electrification Act of 1936, as amended, to make more specific the purpose for which loans may be made under sections 2 and 4 of such act and to modify the provisions relating to interest rates on loans made under such act. I ask unanimous consent that the text of the bill may be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 1926) to amend the Rural Electrification Act of 1936, as amended, to make more specific the purpose for which loans may be made under sections 2 and 4 of such act, and to modify the provisions relating to interest rates on loans made under such act, introduced by Mr. LAUSCHE (for himself and Mr. BENNETT), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the next to the last sentence of section 4 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 904), is amended by striking out "and shall bear interest at the rate of 2 per centum per annum; interest rates on the unmatured and unpaid balance of any loans made pursuant to this section prior to the effective date of this amendment shall be adjusted to 2 per centum per annum, and the maturity date of any such loans may be readjusted to occur at a date not beyond thirty-five years from the date of such loan:" and inserting in lieu thereof the following: "and shall bear interest at a rate equal to the average rate of interest payable by the United States of America on its marketable obligations, having maturities of ten or more years, issued during the last preceding fiscal year in which any such obligations were issued and adjusted to the nearest one-eighth of one per centum:".

(b) Section 4 of such Act is further amended by adding at the end thereof a new sentence as follows: "No loan shall be made under authority of this section or section 2 of this Act after June 30, 1965, except for the sole purpose of furnishing electric energy to persons in rural areas who are not receiving central station service and who are not in a rural area being served by a central station; and the Administrator shall, with respect to any loan made under authority of this section or section 2 of this Act after June 30, 1965, impose such terms and conditions as may be necessary to insure that the proceeds of such loan are not used, directly or indirectly, for any purpose other than to furnish electric energy to persons in rural areas who are not receiving central station service and who are not in a rural area served by a central station."

SEC. 2. The last sentence of section 5 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 905), is amended by striking out "and shall be at a rate of interest of 2 per centum per annum; interest rates on the unmatured and unpaid balance of any loans made pursuant to this section prior to the effective date of this amendment shall be adjusted to 2 per centum per annum", and inserting in lieu thereof "and shall bear interest at a rate equal to the average rate of interest payable by the United States of America on its marketable obligations, having maturities of ten or more years, issued during the last preceding fiscal year in which any such obligations were issued and adjusted to the nearest one-eighth of one per centum".

SEC. 3. The amendments made by this Act relating to interest rates shall be effective with respect to all loans made on and after the date of enactment of this Act.

Mr. LAUSCHE. Mr. President, the bill would require the Rural Electrification Administration to finance its future operations in the open market at the current rate of interest except in cases when it may be called upon to furnish electric power and light to rural areas to which central power service is not available. Secondly, the bill would require that loans made by the Rural Electrification Administration bear interest at a rate equal to the average rate of interest payable by the United States of America on its marketable obligations, having maturities of 10 years or more, issued during the last preceding fiscal year in which any such obligations were issued and adjusted to the nearest one-eighth of 1 percent.

Mr. President, amendments to the Rural Electrification Act of this nature are long overdue. The Rural Electrification Administration was originally established by Executive Order No. 7037, signed by President Roosevelt, May 11, 1935.

Seventy-five thousand dollars was authorized to be allocated from emergency relief appropriations—RFC—to carry out the general program of relief of unemployment. On May 20, 1936, Congress enacted the Rural Electrification Act providing for a limited, 10-year program of rural electrification. This act established the REA as an independent lending agency and loan funds were authorized to be secured from the Reconstruction Finance Corporation. The Department of Agriculture Organic Act of 1944, approved September 21, 1944, established a flat rate of 2 percent on unmatured, unpaid balances of REA borrowers. At that time, the Treasury Department was paying an average interest rate of 2.3 percent on its marketable issues of 10 years or more.

Obviously, the reason for the differential in the interest rate charged REA borrowers as compared to the rate the Treasury was paying was to lend more encouragement for the establishment of new REA units and the building of additional lines to serve the rural population. This obviously was successful for, according to the tabulation to which I shall refer later, 1944 marked the beginning of a very substantial increase in REA units and line construction.

I believe that the Rural Electrification Administration has been an outstanding asset and a program which has brought much comfort, lightened the burdens, and stimulated the economy of our Nation's rural areas. The purpose for which the Rural Electrification Administration was created has largely been fulfilled.

Its continued operations under the same terms and provisions provided in the present law permit the REA to go far beyond the original intent of the Congress and its activities now are in direct conflict to our basic free enterprise system.

Mr. President, the sharp rise in REA loan authorizations over the level proposed by a previous administration for 1962 has occurred in the face of these facts: First, 98 percent of all farms already have electric service; second, four of every five new customers being added to the REA system are nonfarm power users; and third, more than half of the total power sales of the systems are now being made to nonfarm users. The expansion of the REA electrification program, despite these factors which should indicate a diminishing program, is due to an aggressive effort on the part of rural electric cooperatives in several areas to create their own sources of power to replace existing sources.

During the first 18 years of the REA's existence through fiscal 1954, about $2.3 billion in loans were granted for distribution systems to carry power directly to rural customers. Over the same period a total of $550 million was granted for generation and transmission—G. & T.—purposes. This was 18.8 percent of all electrification loans granted. During the 6 fiscal years 1955–60 G. & T. loans totaled $463 million, or 35.7 percent of all electrification loans. This was an average of $77 million a year for G. & T. purposes.

In fiscal 1961 G. & T. loans rose to $152 million, or 55.3 percent of total loans. The sharp increase in amount and proportion of G. & T. loans in 1961 was accounted for by approval on June 15, 1961, of a $60 million G. & T. loan which was the largest single REA loan ever granted. Loans for G. & T. purposes in 1962 amounted to $155 million, or 59.4 percent of total loans. The estimate for the current year is $250 million which would be about 62 percent of all loans. Of the $425 million authorization request for 1964, about $290 million would be available for G. & T. purposes. This would be 68 percent of the total authorization.

Thus, in the 4-year period 1961–64 the funds loaned and budgeted for G. & T. purposes total $847 million. This 4-year total is more than four-fifths of the $1,013 million total which was granted in G. & T. loans over the 24 years of REA's existence prior to 1961.

If the true economic cost of power financed by G. & T. loans were taken into account in justifying the loans, there would be few instances when such loans could be justified on the basis of cost. The economic cost of power sold by investor-owned utilities includes the cost of interest, operating expenses, depreciation, and taxes. The true economic cost of power sold by the G. & T. cooperatives includes these same elements of cost although the cooperative itself does not bear all the costs. By having to pay only 2 percent interest to the U.S. Treasury on money which costs the Treasury 4 percent, the cooperative shifts one-half of the true interest cost to taxpayers generally.

Also, by being exempt from the Federal income tax and a sizable portion of State and local taxes, the cooperative shifts to taxpayers generally the burden of taxes it forgoes.

Mr. President, the Rural Electrification Administration has been non-self-sustaining financially and subsidized by the general taxpayer for a period far too long. After exhaustive studies the second Hoover Commission made the following report and recommendation to the Congress in 1954:

It is our belief that the time has arrived for the reorganization of the Rural Electrification Administration into a self-supporting institution securing its own finance from private sources in a manner similar to that of other agencies. Moreover, the operations of Rural Electrification should be made subject to the Government Corporation Control Act in order to secure the advantages of more efficient organization under that act.

Unfortunately, that recommendation was ignored and the REA has gone ahead in ways that were never intended, and certainly never conceived of, when it was given its first instruction to bring electricity to the rural areas of our country. Some of its operations seem ludicrous—as the financing of a ski lodge with lift and artificial snow in Illinois. Some border on the scandalous—as the investment of 2 percent money in private companies where it makes profits for local electric cooperatives on which no taxes are paid.

Some reflect bad and wasteful lack of judgment—as the erection of a $104,000 building in a desert town where it stands mostly idle and useless. There are countless examples of carelessness, ineptness and just plain silliness; I highly recommend an impartial study of the whole situation.

A beginning of sanity in the Rural Electrification Administration's operations can be made by the adoption of my bill, for I am convinced that much of today's waste arises from the fact that easy 2 percent money is available in practically unlimited quantites—and that no one is watching to see what is done with it.

Mr. President, to illustrate that the REA has accomplished the mission for which it was created, I submit statistics supplied to me by the Rural Electrification Administration itself. Of the 3,818,200 farms in the United States, 3,726,850—or 97.6 percent—had central station electric service as of July 1, 1962. Of these electrified farms, approximately 54 percent are served by REA-financed electric systems. The remainder are served by other suppliers, principally commercial power companies. Therefore, REA has accomplished its intended mission to fill up that gap which could not profitably be served by private power companies. In 1935, when REA was created, 743,954 farms in the United States had central station electric service. This was only 10.9 percent of all farms in the Nation which then totaled 6,812,350.

Mr. President, I ask unanimous consent to insert at this point in the RECORD, as a part of my remarks, a table revealing the number of loans and amounts thereof for the years 1935 to 1962, inclusive. This table clearly reveals the recent expansion of this program.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Loans made by the Rural Electrification Administration, fiscal years 1935–62

Fiscal year	Electric loans	
	Number	Amount
1935-36		$17,929,017
1937		50,347,265
1938		31,559,719
1939		141,899,413
1940		44,880,216
1941		101,710,165
1942		91,282,300
1943		8,225,380
1944		34,002,078
1945		26,343,238
1946		290,913,868
1947		256,389,000
1948		319,110,000
1949		449,317,700
1950	651	376,199,000
1951	472	221,815,500
1952	295	165,758,731
1953	345	164,972,662
1954	325	167,104,100
1955	349	167,530,430
1956	344	189,804,800
1957	404	300,461,514
1958	337	241,636,869
1959	250	177,292,100
1960	276	220,108,000
1961	255	274,507,218
1962	242	261,374,500

LOAN FUNDS OUTSTANDING

As of Jan. 1, 1963, the following amounts in REA loan funds were outstanding:

Electric loans	$2,899,785,266
Telephone loans	700,564,240

Mr. LAUSCHE. Mr. President, the statistics show clearly that the Rural Electrification Administration has very substantially fulfilled its intended mission and, therefore, further expansion or encroachment into new fields contrary to the original intent of the Congress should be brought to an end immediately. This bill would not halt expansion to serve strictly rural areas in the future.

PEGGED REA—TWO-PERCENT INTEREST RATE

Mr. President, I now want to refer to the pegged 2-percent interest rate charged on REA loans since 1945. This practice has caused an unjustified expense to the taxpayers in the sum of more than one quarter of a billion dollars. I ask unanimous consent to insert in the RECORD at this point as a part of my remarks a table compiled by the U.S. Treasury Department showing interest rate charged by REA, computed annual interest rate paid by U.S. Treasury on securities outstanding, variance between interest rate charged by REA and paid by U.S. Treasury, average REA loans outstanding, and excess of interest cost to U.S. Treasury over interest rate charged by REA, all for the years 1936 to 1962, inclusive.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

The table below shows the estimated variances between the interest rate charged by REA and the rate paid by the U.S. Treasury on outstanding securities:

Year ended June 30	Interest rate charged by REA	Computed annual interest rate paid by U.S. Treasury on securities outstanding	Variance between interest rate charged by REA and paid by U.S. Treasury	Average REA [1] loans outstanding	Excess of interest cost to U.S. Treasury over interest rate charged by REA
				Thousands	
1936	3.00	2.56	(0.44)	$412	($1,813)
1937	2.77	2.58	(.19)	6,344	(12,054)
1938	2.88	2.59	(.29)	35,954	(104,267)
1939	2.73	2.60	(.13)	90,974	(118,266)
1940	2.69	2.58	(.11)	170,771	(187,848)
1941	2.46	2.52	.06	254,539	152,723
1942	2.48	2.29	(.19)	315,722	(599,872)
1943	2.57	1.98	(.59)	343,245	(2,025,145)
1944	[2] 2.67	1.93	(.74)	346,239	(2,562,169)
1945	2.00	1.94	(.06)	362,603	(217,562)
1946	2.00	2.00		415,289	
1947	2.00	2.11	.11	541,621	595,783
1948	2.00	2.18	.18	742,256	1,366,061
1949	2.00	2.24	.24	866,633	2,079,919
1950	2.00	2.20	.20	1,148,165	2,296,330
1951	2.00	2.27	.27	1,403,926	3,790,600
1952	2.00	2.33	.33	1,629,020	5,375,766
1953	2.00	2.44	.44	1,832,024	8,060,906
1954	2.00	2.34	.34	2,011,927	6,840,552
1955	2.00	2.35	.35	2,148,828	7,520,898
1956	2.00	2.58	.58	2,274,876	13,194,281
1957	2.00	2.73	.73	2,431,114	17,747,132
1958	2.00	2.64	.64	2,623,500	16,790,400
1959	2.00	2.87	.87	2,825,500	24,581,850
1960	2.00	3.30	1.30	3,039,000	39,507,000
1961	2.00	3.07	1.07	3,243,500	34,705,450
1962	2.00	3.24	1.24	3,407,850	42,257,340
July 1, 1962, to Nov. 30, 1962	2.00	3.29	1.29	3,568,707	[3] 19,181,818
Total					240,215,813

[1] 1936 through 1948, mean value of principal balances outstanding at July 1 and June 30 each fiscal year on electric loans by REA. 1949 through 1962, mean value of loans by U.S. Treasury Department to REA. July 1, 1962, to Nov. 30, 1962, balance of U.S. Treasury loans outstanding to REA on June 30, 1962, plus ½ of REA loans granted in the interim.

[2] REA charged 2.49 percent on new loans during the period, July 1 to Sept. 20, 1944.

[3] Based on a 5-month period.

NOTE.—All figures shown in parentheses are negative amounts.

Mr. LAUSCHE. I also ask unanimous consent to have printed in the RECORD at this point and as a part of my remarks a table also compiled by the U.S. Treasury Department showing average interest rates on marketable issues in each fiscal year with maturities of 10 years or more for the years 1935 to 1960, inclusive.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Average interest rate on marketable issues in each fiscal year with maturities of 10 years or more

Fiscal year	Average interest rate	Average rate rounded to nearest ⅛ of 1 percent
1935	2.97	3
1936	2.76	2¾
1937	2.59	2⅝
1938	2.67	2⅝
1939	2.64	2⅝
1940	2.16	2⅛
1941	2.36	2⅜
1942	2.39	2⅜
1943	2.50	2½
1944	2.30	2¼
1945	2.28	2¼
1946	2.44	2⅜
1947	(1)	
1948	(1)	
1949	(1)	
1950	(1)	
1951	(1)	
1952	(1)	
1953	3.25	3¼
1954	3.25	3¼
1955	3.00	3
1956	3.00	3
1957	(1)	
1958	3.56	3⅝
1959	4.04	4
1960	4.25	4¼

[1] No issues of 10 years or over.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis, Jan. 18, 1963.

Mr. LAUSCHE. Mr. President, our country, a world leader and the richest and most progressive in the world, was able to attain this position largely because its economy was based on the philosophy of free enterprise. I will admit that there have been occasions when it was necessary for the Federal Government to underwrite and foster certain programs that could not be performed by private enterprise. The Rural Electrification Administration was such a program. It is only sensible, however, and in the best interests of our economy and the perpetuation of the free enterprise system that once these Federal Government-fostered programs have fulfilled their mission, they should be curtailed.

Mr. President, I ask unanimous consent that this bill may lie on the desk for 3 days in order that other interested Senators may join as cosponsors should they so desire.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECONVEYANCE AT FAIR MARKET VALUE OF 50 ACRES AT CHELI AIR FORCE DEPOT, BELL, CALIF.

Mr. KUCHEL. Mr. President, I introduce for appropriate reference a bill to authorize the Administrator of General Services to enter into direct negotiation with the Chanslor Western Oil & Development Co. for the sale at full fair market value of approximately 50 acres of land located at the Cheli Air Force Station in Bell, Calif., which has been declared surplus to the needs of the Government.

Mr. President, the Cheli Air Force Depot consists of 388 acres which were originally donated to the Government by the predecessor corporation of Chanslor-Western, then known as the Chanslor-Canfield Midway Oil Co., a subsidiary of the Atchison, Topeka & Santa Fe Railway Co. This subsidiary has had a splendid record of industrial development in the Los Angeles area. During the Second World War, when the Government was in need of land on which to erect an Air Corps supply depot, the Army Air Corps approached Chanslor-Canfield and, early in 1943, an original parcel of 211 acres was conveyed to the U.S. Government for the consideration of $1. A second parcel of 177 acres of adjacent land was deeded to the Government on July 10, 1944, in order to meet the urgent need to expand this depot. Again the consideration was $1.

At the time of the transfer, Chanslor-Canfield asked the Division Engineer of the War Department who was handling the conveyance for return of the property at the same consideration of $1 when it was no longer necessary for the needs of the Government. The War Department informed Chanslor-Canfield that they had no statutory authority by which the Government could relinquish the land acquired by such a donation. Statutory authority was also lacking for the disposal of any improvements which the Government might make on the property.

Congress, in passing the Surplus Property Act of 1944, recognized the equity of permitting the donor to reacquire property when it was no longer needed by the Government. Unfortunately, this law expired on December 13, 1949. At that time there were no indications that the Government would declare the depot as surplus and unneeded for defense purposes.

The first indication that such land would be declared surplus came in 1960. Thus, on March 30, 1961, I introduced S. 1497 which would authorize reconveyance to the former owner of that portion of the property which was declared surplus to the needs of the United States in accordance with existing policy. A hearing was held on this bill by a Special Subcommittee of the Senate Committee on Government Operations consisting of Senators MUSKIE and JAVITS. This hearing was held on August 22, 1961.

At that hearing I presented various resolutions from many groups in the area who agreed with me that, if this land were to become surplus to the needs of the Government, the reconveyance of the land to Chanslor Western Oil & Development Co. was in the public interest since it would be used as a site for additional industrial development and, thus, provide needed employment opportunities then estimated at between 7,500 and 10,000 new jobs for the residents of Bell and the many surrounding communities. In addition, there would be great added tax benefits to the local taxing districts in whose jurisdictions the property lay as well as to the city of Bell. Organizations which agreed with this position included the following:

Los Angeles County Division of the League of California Cities.
City Council of Bell.
City Council of Downey.
City Council of Huntington Park.
City Council of Lynwood.
City Council of Maywood.
City Council of Montebello.
City Council of Pico Rivera.
City Council of South Gate.
City Council of Vernon.
Los Angeles County Federation of Labor, AFL–CIO.
Los Angeles Building & Construction Trades Council.
Maywood Lodge No. 979 of the Brotherhood of Locomotive Firemen & Enginemen.
Local 243 of the Switchmen's Union of North America.
Chrysler Local 230 of the UAW, AFL–CIO.
Los Angeles Chamber of Commerce.
Greater East Los Angeles Chamber of Commerce.
Industrial Council of the City of Commerce.
Bell Chamber of Commerce.
Downey Chamber of Commerce.
Huntington Park Chamber of Commerce.
Maywood Chamber of Commerce.
Montebello Chamber of Commerce.
Vernon Chamber of Commerce.
Bell-Cudahy Democratic Club.
Uptown Huntington Park Democratic Club.
East Los Angeles Merchants Association.
Los Angeles County Council of the Veterans of Foreign Wars.
John Henry Carroll Post No. 2325 of the VFW.
Wm. Chas. Orr, Jr., Bell Post 120 of the American Legion.
Los Angeles Times.
Los Angeles Mirror.
Los Angeles Herald Express.

At that time the Montebello Unified School District sought part—approximately 78 acres—of this property on which to construct a junior college and had filed an application in accordance with existing procedures with the General Services Administration. By resolution approved last week by the board of education of the Montebello Unified School District, this application has been withdrawn effective July 19, 1963. Mr. President, a telegram pertaining to this action of the board is as follows:

> The following resolution passed by the board of education, Montebello Unified School District last night:
>
> "Now, therefore, be it
>
> "*Resolved*, That the Montebello Unified School District withdraw its pending application for a Federal grant of land at the Cheli Air Force Station, Bell, Calif., effective date of withdrawal July 19, 1963."
>
> Signed "John C. Whinnery, superintendent of schools, secretary to the board."

Recently the General Services Administration has announced that only approximately 50 acres of the 388 acres will be released for disposal since the GSA has decided to utilize the improved portion of this surplus depot as a regional supply center for southern California. Thus, the legislation which I have today introduced pertains to the 50 acres which were originally donated by the Santa Fe subsidiary and which lies east of Eastern Avenue in the city of Bell. This land has never been utilized by the Government and is unimproved. The proposed legislation which I have introduced would provide that the land

would be sold at its current fair market value as determined by the Administrator of General Services. If within 90 days after the Administrator's determination of the fair market value an acceptable offer is not received from Chanslor-Western and a sale is not consummated in an appropriate manner, then the Administrator would dispose of the land in accordance with the existing provisions of the Federal Property and Administrative Services Act of 1949.

Mr. President, I ask consent that the text of the bill be printed at this point in my remarks, and that it lie on the desk until the close of business next Monday, for additional cosponsors.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and will lie on the desk, as requested by the Senator from California.

The bill (S. 1928) to authorize the Administrator of General Services to sell a part of the former Cheli Air Force Station to Chanslor-Western Oil & Development Co. by negotiation, and for other purposes, introduced by Mr. KUCHEL, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized, without regard to the provisions of section 203(e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, to negotiate a sale to Chanslor-Western Oil & Development Company of the approximately fifty acres of land in the former Cheli Air Force Station which lie to the east of Eastern Avenue in the city of Bell, County of Los Angeles, State of California, and were included in the report of excess real property of March 24, 1960, as amended, to the Administrator of General Services, to the extent that said land is determined by the Administrator of General Services to be surplus property. Such sale of land is to be made at its current fair market value as determined by the Administrator of General Services.

SEC. 2. If, within ninety days following the receipt of a notice from the Administrator of General Services of the fair market value of said land and of the terms and conditions that would be acceptable for such a sale, Chanslor-Western Oil & Development Company does not submit an acceptable offer to purchase in accordance with the terms and conditions specified by the Administrator of General Services or fails to propose satisfactory arrangements for consummating the purchase, the Administrator of General Services may dispose of said land in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

A BILL CARRYING OUT THE LEGISLATIVE RECOMMENDATIONS IN PRESIDENT KENNEDY'S IMMIGRATION MESSAGE

Mr. HART. Mr. President, today the President of the United States forwarded to the Congress an historic message relating to basic revision of this Nation's immigration laws.

The President continues his public leadership in seeking an immigration policy which reflects the American belief in the individual worth of each man. As a Member of the House, as a Senator, and as President, President Kennedy has worked continually and effectively toward these goals.

Since President Wilson's eloquent veto of the 1921 law proposing a racially restrictive immigration law, most of the succeeding Presidents of these United States have called upon the Congress to take corrective action. Studies have been made, and limited proposals for legislation have been sent to the Congress.

President Kennedy's message and the accompanying proposed legislation represent the first time in these many years that a specific bill abolishing the national origins quota system has been proposed to the Congress by the President.

It is fitting that this proposal should come at a time when the Nation and the Congress are deeply committed to a full review of our practices and laws affecting our fellow citizens of different races.

No provision of national law has been more repugnant to peoples of many nations throughout the world than one based on the infamous concept of judging a man's worth for immigration to our Nation on the basis of his place of birth or the racial ancestry of his parents. This meanness of spirit in our law is alien and apart from the great traditions of this Nation. As a people we are morally committed to seek a national policy which will make real the simple truth of the words of St. Paul that "God hath made of one blood all nations of men for to dwell on all the face of the earth."

Earlier this year, I was joined by 36 of my colleagues on both sides of the aisle in introducing and sponsoring Senate bill 747. For a number of years this bill, also designed to find a formula for removing from our laws the principle of the national origins immigration concept, has been the basis for increasing public support for legislative action. Through conferences in key metropolitan centers across the country, by resolution of national, religious, fraternal, nationality, veterans, labor, and other broad community groups, the concept and principles contained in Senate bill 747 are widely supported and endorsed.

Earlier this session, hearings on Senate bill 747 were announced by the chairman of the Subcommittee on Immigration and Naturalization, but they were postponed as we awaited the proposals from the President. I am hopeful that hearings on all of the bills proposing revisions of the national origins quota provisions can now be rescheduled in the near future.

To those in Congress and those outside it who have supported and worked in support of Senate bill 747, I would say that the provisions of that bill and of the bill which I shall introduce today to carry out the recommendations of the President seek the same fundamental objectives. Many of the provisions of Senate bill 747 and of the bill being introduced today are identical. These bills represent two alternate ways of removing the national origins quota system. I shall actively support the fullest congressional consideration of both proposals.

The legislative task ahead will not be an easy one. To insure the fullest success in achievement of the goals common to all who work on immigration reform, we must have before the Congress the most creative and very best proposals. The President's proposal today moves us many strides toward reaching our goals, and its approach represents the most advanced proposal on this subject placed before the Congress by any Chief Executive. It will also have my support, and I hope all who previously joined with me in sponsoring Senate bill 747 will support it. With these two sound bills before the Congress, we move to the stage where the decision now belongs to the Congress. Let us get on with this job.

Highlights of the President's bill are recounted in his message and in the section-by-section analysis which I shall ask to have printed, be included with the text of the bill, at the end of my remarks. A few comments on the provisions of this proposal are in order.

First, and most important, it recognizes the essential foreign-policy demands of a sound immigration policy. With flexibility in refugee policy, removal of the Asia-Pacific triangle restrictions, increased basic quotas for many new nations, and inclusion of the new nations in the Western Hemisphere within the nonquota areas, this bill is, in its most essential aspects, a major foreign-policy statement.

Equally important, this proposal recognizes that each immigrant, as a individual, has a special worth because of his potential contribution to the total manpower of our Nation, and that this potential should be judged on that individual contribution.

The President knows, from his many years of experience in working to ease the burdens caused by geographic separation of families, that reunification of families must remain at the top of our priority objectives in immigration reform. One of the major provisions of this new bill is the nonquota provision for parents of American citizens and the new preference for parents of American resident aliens.

Today, President Kennedy has called on Congress for action, specific action. It is with a sense of privilege that I introduce the bill to carry out his recommendations.

I ask unanimous consent, Mr. President, that the text of the bill and a section-by-section analysis be printed in the RECORD at this point in my remarks.

I also ask that the bill be held at the desk until the end of business on Tuesday, July 30, to enable other Senators to join in its sponsorship.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD, and the bill will lie on the desk, as requested by the Senator from Michigan.

The bill (S. 1932) to amend the Immigration and Nationality Act, and for other purposes, introduced by Mr. HART (for himself and other Senators), was received, read twice by its title, referred

to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201(a) of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1151(a)) be amended to read as follows:

"SEC. 201. (a) The annual quota of any quota area shall be the same quota heretofore determined under the provisions of the Immigration and Nationality Act of 1952: *Provided,* That the minimum quota for any quota area shall be two hundred: *Provided further,* That beginning with the first fiscal year commencing after the enactment of this Act and for each of the four succeeding fiscal years the annual quota of every quota area shall be reduced by twenty per centum of its present number for each such fiscal year. The quota numbers so deducted from quotas of quota areas shall be added to the quota reserve established by subsection (f) of this section and shall be available for distribution in accordance with the provisions thereof."

SEC. 2. Section 201 of the Immigration and Nationality Act (66 Stat. 175, 8 U.S.C. 1151) is amended by adding the following additional subsection:

"(f) Quota numbers made available at the commencement of any fiscal year as a result of the reduction of the annual quota of any quota areas pursuant to subsection (a) of this section, together with quota numbers not issued or otherwise used during the previous fiscal year, shall then be made available (1) during the five fiscal years following the passage of this Act, to quota immigrants, if otherwise admissible under the provisions of this Act, who are unable to obtain prompt issuance of visas due to oversubscription of their quotas or subquotas as determined by the Secretary of State, and (2), thereafter, to quota immigrants if otherwise admissible under the provisions of this Act. These quota numbers shall be allocated within the percentage limitations and in the order of priority specified in section 203 without regard to the quota to which the alien is chargeable: *Provided, however,* That the combined number of quota numbers issued to any quota area in any year, under the provisions of this subsection and subsection (a) of this section, shall not exceed ten per centum of the total quota numbers authorized for that year: *Provided further,* That in no case shall this limitation operate to reduce any quota in any of the five fiscal years following the enactment of this Act by more than the twenty per centum specified in subsection (a) of this section: *And provided further,* That the President may, after consultation with the Immigration Board, reserve—

"(1) Not to exceed fifty per centum of such numbers for allocation to quota immigrants, if otherwise admissible under the provisions of this Act, whose admission is determined by him to be required (A) to avoid undue hardship, resulting from the reduction of annual quotas pursuant to subsection (a) of this section, which is not otherwise avoided under the provisions of this subsection, and (B) in the national security interest of the United States: *Provided,* That the limitation on immigration from any single country in any year shall not apply to visas issued under this clause; and

"(2) Not to exceed twenty per centum of such numbers for allocation to quota immigrants, if otherwise admissible under the provisions of this Act, whose admission will further the traditional policy of the United States of offering asylum and refuge to persons oppressed or persecuted, or threatened with oppression or persecution, because of their race, color, religion, national origin, adherence to democratic beliefs, or their opposition to totalitarianism or dictatorship, and to persons uprooted by natural calamity or military operations who are unable to return to their usual place of abode. After consultation with the Attorney General, the Secretary of State shall establish by regulation the requirements for qualification within this class, with reference to current world conditions.

In no case shall the authority to reserve such numbers, or the limitation on the combined number of quota numbers to be issued to any quota area in any year, operate so as to require that authorized quota numbers be unused."

SEC. 3. Section 201(c) of the Immigration and Nationality Act (66 Stat. 176, 8 U.S.C. 1151(c)) is amended to read as follows:

"There shall be issued to quota immigrants chargeable to any quota (1) no more immigrant visas in any fiscal year than the quota for such year, and (2) in any calendar month of any fiscal year, no more immigrant visas than ten per centum of the quota for such year in addition to that portion of the quota authorized for issuance but not issued during any preceding calendar month or months of the same fiscal year; except that during the last two months of any fiscal year immigrant visas may be issued without regard to the 10 per centum limitation contained herein."

SEC. 4. (a) Section 202(a) of the Immigration and Nationality Act (66 Stat. 176, 8 U.S.C. 1152(a)) is amended by deleting paragraph (5) thereof.

(b) Section 202(b) of the Immigration and Nationality Act (66 Stat. 177, 8 U.S.C. 1152(b)) is repealed.

(c) Section 202(c) of the Immigration and Nationality Act (66 Stat. 177, 8 U.S.C. 1152(c)) is redesignated section 202(b) and is amended to read as follows:

"Any immigrant born in a colony or other component or dependent area of a governing county for which no separate or specific quota has been established, unless a nonquota immigrant as provided in section 101(a)(27) of this Act, shall be chargeable to the quota of the governing country, except that no more persons born in any such colony or other component or dependent area overseas from the governing country shall be chargeable to the quota of its governing country in any one year than a number which bears the same relation to the quota of its governing country as the number two hundred bears to the quota of the governing country prior to the enactment of this Act."

(d) Section 202(d) of the Immigration and Nationality Act (66 Stat. 178, 8 U.S.C. 1152(d)) is redesignated section 202(c).

(e) Section 202(e) of the Immigration and Nationality Act (66 Stat. 178), as amended (75 Stat. 654), (8 U.S.C. 1152(e)) is redesignated section 202(d) and is further amended by substituting "section 202(b)" for "section 202(c)(1)" after the words "issued under".

SEC. 5. Section 207 of the Immigration and Nationality Act (66 Stat. 181, 8 U.S.C. 1157) is repealed, and the following inserted in its place:

"A quota immigrant visa shall not be issued to any alien who is eligible for a nonquota immigrant visa."

SEC. 6. Paragraph (27)(A) of section 101(a) of the Immigration and Nationality Act (66 Stat. 169, 8 U.S.C. 1101(a)(27)(A)) is amended to read as follows:

"(A) An immigrant who is the child, spouse, or parent of a citizen of the United States."

SEC. 7. Paragraph (27)(C) of section 101(a) of the Immigration and Nationality Act (66 Stat. 169, 8 U.S.C. 1101(a)(27)(C) is amended to read as follows:

"(C) An immigrant who was born in any independent foreign country of North, Central, or South America, or in any independent island country adjacent thereto, or in the Canal Zone, and the spouse and children of any such immigrant, if accompanying or following to join him:".

SEC. 8. (a) Section 203(a)(1) of the Immigration and Nationality Act (66 Stat. 178, 8 U.S.C. 1153(a)(1)) is amended by deleting the words "determined by the Attorney General to be needed urgently in," and substituting the words "especially advantageous to."

(b) Section 203(a)(2) of the Immigration and Nationality Act (66 Stat. 178), as amended (73 Stat. 644, 8 U.S.C. 1153(a)(2)), is amended by deleting the words "parents of citizens of the United States, such citizens being at least twenty-one years of age or who are the".

(c) Section 203(a)(4) of the Immigration and Nationality Act (66 Stat. 178), as amended (73 Stat. 644, 8 U.S.C. 1153(a)(4)) is amended by—

(1) inserting after the words "married daughters of citizens of the United States" a comma, followed by the words "or parents of aliens lawfully admitted for permanent residence," and

(2) adding at the end thereof the following: "Qualified quota immigrants capable of performing specified functions for which a shortage of employable and willing persons exists in the United States shall be entitled to a preference not to exceed 50 per centum of the immigrant visas remaining available for issuance under this paragraph after the preference to the named relatives of United States citizens and resident aliens is satisfied or exhausted."

SEC. 9. Section 204 of the Immigration and Nationality Act (66 Stat. 179, 8 U.S.C. 1154) is amended as follows:

(1) Subsections (a) and (c) are amended by deleting the words "or section 203(a)(1)(A)" and substituting, in each instance, a comma, followed by the words "section 203(a)(1)(A) or the last clause of section 203(a)(4)."

(2) Subsection (b) is amended (A) by deleting the words "section 203(a)(1)(A)" and substituting the words "the last clause of section 203(a)(4)" and (B) by inserting, after the words "required by the Attorney General" the words "after consultation with the Immigration Board."

(3) Subsection (d) is redesignated (e) and is amended by deleting the words "or section 203(a)(1)(A)," and substituting a comma, followed by the words "section 203(a)(1)(A) or the last clause of section 203(a)(4)."

(4) The following new subsection is inserted after subsection (c):

"(d) Any immigrant claiming in his application to be entitled to an immigrant visa under section 203(a)(1)(A) of the Act shall file a petition with the Attorney General. The petition shall be in such form as the Attorney General may by regulations prescribe and shall contain such additional information and be supported by such documentary evidence as may be required by the Attorney General. The petition shall be made under oath administered by any individual having authority to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer."

SEC. 10. The first sentence of section 205(b) of the Immigration and Nationality Act (66 Stat. 180), as amended (73 Stat. 644), (8 U.S.C. 1155(b)) is amended to read as follows:

"(b) Any citizen of the United States claiming that any immigrant is his spouse, child, or parent, and that such immigrant is entitled to a nonquota immigrant status under section 101(a)(27)(A) of this Act, or any citizen of the United States claiming that any immigrant is his unmarried son or unmarried daughter and that such immigrant

is entitled to a quota immigrant status under section 203(a)(2) of this Act, or any alien lawfully admitted for permanent residence claiming that any immigrant is his spouse or his unmarried son or unmarried daughter and that such immigrant is entitled to a quota immigrant status under section 203(a)(3) of this Act, or any citizen of the United States claiming that any immigrant is his brother or sister or his married son or his married daughter and that such immigrant is entitled to a preference under section 203(a)(4) of this Act, or any alien lawfully admitted for permanent residence claiming that any immigrant is his parent and that such immigrant is entitled to a preference under section 203(a)(4) of this Act, may file a petition with the Attorney General."

SEC. 11. (a) Section 1 of the Act of July 14, 1960 (74 Stat. 504), is amended by inserting the word "and" after the words "communist-occupied," by inserting a period after the word "made," and by deleting the third clause of said section and the word "and" immediately preceding it.

(b) Section 2 of the Act of July 14, 1960 (74 Stat. 504), as amended (76 Stat. 124), is amended by deleting (1) the letter "(a)" immediately following the words "SEC. 2", and (2) subsection (b) thereof.

SEC. 12. Section 15(c)(2) of the Act of September 11, 1957 (71 Stat. 644) is amended by deleting the word "Libya" and inserting the word "Morocco" in its place.

SEC. 13. Section 281 of the Immigration and Nationality Act (66 Stat. 230, 8 U.S.C. 1351) is amended as follows:

(1) Immediately after "SEC. 281," insert "(a)".

(2) Paragraph (2) is amended to read as follows:

"(2) For the issuance of each immigrant visa, $20; except that such fee shall be $10 in the case of any alien who is the beneficiary of a petition required under sections 204(b) or 205(b)."

(3) The following is inserted after paragraph (7), and is designated subsection (b):

"The time and manner of payment of the fees specified in paragraphs (1) and (2) of subsection (a) of this section, including but not limited to partial deposit or prepayment at the time of registration, or postponement for an appropriate period, shall be prescribed by the Secretary of State."

(4) The paragraph beginning with the words "The fees * * *" is designated subsection (c).

SEC. 14. Section 203(c) of the Immigration and Nationality Act (66 Stat. 179, 8 U.S.C. 1153(c)), is amended by adding at the end thereof the following:

"The Secretary of State, in his discretion, may terminate the registration on a quota waiting list of any alien who fails to evidence his continued intention to apply for a visa in such manner as may be by regulation prescribed."

SEC. 15. (a) Paragraph (4) of section 212(a) of the Immigration and Nationality Act (66 Stat. 182, 8 U.S.C. 1182(a)(4)) is amended by deleting the word "epilepsy" and the commas before and after it.

(b) Section 212(g) of the Immigration and Nationality Act (75 Stat. 654, 8 U.S.C. 1182(g)) is amended to read as follows:

"Any alien who is excludable from the United States under paragraphs (1), (2), (3), or (4) of subsection (a) of this section, and any alien afflicted with tuberculosis in any form, who (A) is the spouse or the unmarried son or daughter, or the minor unmarried lawfully adopted child, of a United States citizen, or of an alien lawfully admitted for permanent residence, or of an alien who has been issued an immigrant visa, or (B) has a son or daughter who is a United States citizen, or an alien lawfully admitted for permanent residence, or an alien who has been issued an immigrant visa, shall, if otherwise admissible, be issued a visa and admitted to the United States for permanent residence in accordance with such terms, conditions, and controls, if any, including the giving of a bond, as the Attorney General, in his discretion after consultation with the Surgeon General of the United States Public Health Service, may by regulations prescribe."

SEC. 16. (a) There is hereby established the Immigration Board (hereafter referred to as the "Board"). The Board shall consist of seven members, of whom three members, including a chairman of the Board, shall be appointed by the President, two members by the President of the Senate, and two members by the Speaker of the House of Representatives. The members of the Board shall be selected by virtue of their high personal integrity, their capabilities, and their experience in and expert knowledge of immigration laws and international migration problems. A vacancy in the membership of the Board shall be filled in the same manner as the original designation and appointment.

(b) The duties of the Board shall be—

(1) to promulgate, after consultation with the Attorney General, such regulations as are necessary to insure its efficient functioning under the provisions of this Act;

(2) to make a continuous study of such conditions within and without the United States, which, in the opinion of the Board, might have any bearing on the immigration policy of the United States;

(3) to consider, and after consultation with the Secretary of State, to recommend to the President, such allocation of quota immigrant visas, under section 201(f) of the Immigration and Nationality Act, as will best fulfill the purposes of that section;

(4) to consider, and after consultation with the secretaries of Labor, State, and Defense, to recommend to the Attorney General such criteria for admission of immigrants under section 203(a)(1)(A) of the Immigration and Nationality Act, as amended, and the last clause of section 203(a)(4), as amended, as will further the policy of the United States to secure the immigration of persons of high skill, education, or training, or who are capable of performing specified functions for which a shortage of employable, willing persons exists in the United States;

(5) to study such other aspects of the Immigration and Nationality Act as the President shall assign to the Board for study, and make recommendations with respect thereto;

(6) to conduct such investigations and to hold such public and executive hearings in such places within and without the United States and at such times as the Board deems necessary.

(c) All Federal agencies shall cooperate fully with the Board to the end that it may effectively carry out its duties.

(d) Each member of the Board who is not otherwise in the service of the Government of the United States shall receive the sum of $75 for each day spent in the work of the Board, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended.

(e) Each member of the Board who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Board shall be paid actual travel expenses, and per diem in lieu of subsistence expenses, when away from his usual place of residence, in accordance with the Administrative Expenses Act of 1946, as amended.

(f) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this section.

SEC. 17. Section 221(g) of the Immigration and Nationality Act (66 Stat. 192, 8 U.S.C. 1201(g)) is amended by deleting the period at the end thereof and by substituting the following:

"*Provided further*, That a visa may be issued to an alien defined in section 101(a)(15)(B) or (F), if such alien is otherwise entitled to receive a visa, upon receipt of a notice by the consular officer from the Attorney General of the giving of a bond with sufficient surety in such sum and containing such conditions as the consular officer shall prescribe, to insure that at the expiration of the time for which such alien has been admitted by the Attorney General, as provided in section 214(a), or upon failure to maintain the status under which he was admitted, or to maintain any status subsequently acquired under section 248 of the Act, such alien will depart from the United States."

The section-by-section analysis presented by Mr. HART is as follows:

SECTION-BY-SECTION ANALYSIS

Section 1 amends section 201(a) of the Immigration and Nationality Act, under which quotas for each country are determined. It abolishes the national origins system by reducing present quotas by one-fifth of their present number each year for 5 years. As numbers are released from national origins quotas, they are added to the quota reserve established in section 2. Thus in the first year, 20 percent (roughly 32,800) are released to the pool; in the second year, the pool has 40 percent of present quotas (or 65,600); until the fifth year, all numbers are allocated through the pool. To provide some immediate relief to minimum quota areas, the minimum quota is raised to 200, but is then reduced in the same manner as other quotas.

Section 2 establishes the quota reserve pool under which all numbers will be allocated by the fifth year. In each of the 5 years constituting the period of transition, the pool will consist of (1) the numbers released from national origins quotas each year, and (2) numbers assigned to the old quotas but unused the previous year because insufficient demand for them existed in the assigned quota area.

These numbers are issued in the order specified in amended section 203 of the Immigration and Nationality Act. That is, first call on the first 50 percent is given to persons whose admission, by virtue of their exceptional skill, training, or education, would be especially advantageous to the United States; first call on the next 30 percent, plus any part of the first 50 percent not issued to the skilled specialists, is given to unmarried sons and daughters of U.S. citizens, not eligible for nonquota status because they are over 21 years of age; first call on the remaining 20 percent, plus any part of the first 80 percent not taken by the first two classes, is given to spouses and children of aliens lawfully admitted for permanent residence; and any portion remaining is issued to other applicants, with percentage preferences to other relations of U.S. citizens and resident aliens, and then to certain classes of workers. Section 203 further provides that within each class, visas are issued in the order in which applied for—first come, first served. These preferences provisions, which under present law determine only relative priority between nationals of the same country, will now determine priority between nationals of different countries throughout the world.

To prevent disproportionate benefits to the nationals of any single country, a maximum of 10 percent of the total authorized quota is set on immigration attributable to any quota area. However, this limitation is not applied if to do so would result in reducing any quota at a more rapid rate than that

provided by section 1. Ultimately, of course, the limitation applies to all.

Exceptions to the principle of allocating visas on the basis of time of registration within preference classes are provided to deal with specific problems. Since some countries' quotas are now current, their nationals have no old registrations on file. To apply the principle rigidly would result, after 4 or 5 years, in curtailing immigration from these countries almost entirely. Such a result would be undesirable not only because it frustrates the aim of the bill that immigration from all countries should continue, but also because many of the countries so affected are our closest allies. At a time when the national security rests in large part on a continual strengthening of our ties with these countries, it would be anomalous indeed to restrict opportunities for their nationals here. Therefore, the bill allows the President, after consultation with the Immigration Board (established by sec. 16), to reserve up to 50 percent of the reserve pool for allocation to qualified immigrants (1) who could obtain visas under the present system but not under the new bill, whose admission (2) would further the national security interest in maintaining close ties with their countries. He is also given authority to grant visas to such immigrants without regard to the 10-percent limit on the number of immigrants from any country.

The President may also disregard priority of registration within preference classes for the benefit of refugees. Many refugees, almost by definition, are uprooted suddenly. They have had no thought of immigration before being forced to leave their usual homes by natural calamity or political upheaval; or they may be fleeing from persecution or dictatorship, in which case previous registration would have been dangerous. He may consider these and other factors in deciding whether to admit any applicant as a refugee or require him to await his turn under the regular procedure.

Finally, it is provided that if the President reserves, against contingencies, any numbers during the year, but does not then find them needed for the named purposes, they are to be issued as if not reserved. Similarly, the 10-percent limitation on the number of visas to be issued to any quota area is removed where other persons would not be foreclosed from entry by its removal.

Section 3 amends section 201(c) of the Immigration and Nationality Act, which presently limits the number of visas issued in any single month to 10 percent of the total issued each year. This limit is needed to insure that persons entitled to preference by virtue of skills or family ties will not be foreclosed from that preference by a rush of earlier applications which exhaust the annual quota. To insure that all numbers are nevertheless issued, present law provides that numbers not issued during the first 10 months may be issued during the last 2 months of the fiscal year, without limitation up to the total annual quota for the quota area. Often, if close to the full 10 percent is not issued in each of the first months, undesirable administrative problems result in the last two. The amendment allows the issuance each month of the 10 percent authorized for that month plus any visas authorized but not issued in previous months. It thus allows more even spacing of visa issuance during the year.

Section 4 amends section 202 of the Immigration and Nationality Act to eliminate the so-called Asia-Pacific triangle provisions, which require persons of Asian stock to be attributed to quota areas not by their place of birth, but according to their racial ancestry. By the end of 5 years, this provision would be superfluous in any case, since national origin will no longer limit the admission of qualified immigrants. But the formula is so specially discriminatory that it should be removed immediately, and not operate even in part during the 5-year transition period.

Subsection (c) raises the minimum allotment to subquotas of dependent countries, thus preserving their present equality with independent minimum-quota areas. The dependent countries' allotments are taken from the mother countries' quotas. To prevent the dependent countries from preempting the mother countries' quotas disproportionately, it is provided that the dependent countries' shares of the quotas will decrease as the governing countries' quotas are reduced.

Subsection (e) conforms the present section 202(e) of the Immigration and Nationality Act to the change in designation prescribed in subsection (c).

Section 5 repeals section 207 of the Immigration and Nationality Act, which prevents the issuance of visas in lieu of those issued but not actually used, or later found to be improperly issued. Thus in Germany alone, under present law, over 7,000 visas are taken by persons entitled to nonquota status, and 2,000 more visas are issued to persons who do not apply for actual admission. All these visas are lost. Such a result is inconsistent with the new bill, which seeks full use of authorized quota numbers.

Substituted for section 207 is a specific command that nonquota immigrants shall not preempt visas which would otherwise be issued to quota immigrants.

Section 6 amends section 101(a)(27)(A) of the Immigration and Nationality Act, which grants nonquota status to spouses and children of U.S. citizens, to extend nonquota status to parents of U.S. citizens as well.

Section 7 amends section 101(a)(27)(C) of the Immigration and Nationality Act to extend nonquota status to all natives of independent Western Hemisphere countries. Under present law, such status is granted to natives of all independent North, Central, and South American countries, and of all Caribbean island countries independent when the Immigration and Nationality Act was enacted in 1952. The amendment extends the status to countries gaining their independence since then.

Section 8 amends section 203(a) of the Immigration and Nationality Act, which establishes preferences for immigrants with special skills and relatives of U.S. citizens and resident aliens.

Subsection (a) relaxes the test for the first preference accorded to persons of high education, technical training, specialized experience, or exceptional ability. Under present law, such persons are granted preferred status only if their services are "needed urgently" in the United States. The amendment allows their admission if their services would be "especially advantageous" to the United States.

Subsection (b) eliminates the second preference for parents of American citizens, now accorded nonquota status by section 6.

Subsection (c) grants a fourth preference, up to 50 percent of numbers not issued to the first three preferences, to parents of aliens lawfully admitted for permanent residence. It also grants a subsidiary preference to qualified quota immigrants capable of filling particular labor shortages in the United States. Under present law, if an immigrant does not meet the rigorous standards of the skilled specialist category, he is not preferred to any other immigrant even though he may answer a definite need in the United States which the other immigrant does not. The amendment allows to persons filling such a definite need a preference of 50 percent of visas remaining after all family preferences have been satisfied or exhausted.

Section 9 amends section 204 of the Immigration and Nationality Act, which establishes the procedure for determining eligibility for preferred status under section 203.

Paragraphs (1), (2), and (3) provide for the filing of petitions, on behalf of the workers granted preference by section 8, by the persons who will employ them to fill the special needs. Paragraph (1) provides for approval of these petitions by the Attorney General, and paragraph (2) requires that he consult with the Immigration Board and interested departments of government before granting preference to these workers with lesser skills.

Paragraph (2) also exempts skilled specialists from the present petition procedure, to conform to the new procedure established in paragraph (4). Under present law, persons with high education, technical training, experience or ability, may qualify for preferred status only when a petition requesting their services is filed by a U.S. employer. This requirement unduly restricts our ability to attract the educated, trained people whose services would significantly enhance our economy, national life, and general welfare. Thousands of such people have no way of contacting employers in the United States in order to get the necessary job. Even if they knew whom to contact, few jobs important enough to attract such highly skilled people are offered without personal interviews. And only a few very large enterprises and institutions have representatives abroad with possible authority to hire. Thus many highly skilled applicants cannot obtain the jobs presently required for preference; they cannot be hired abroad, because hiring is done domestically; and they cannot be hired domestically until they enter.

Moreover, the requirement of prearranged employment, as to these persons, is unnecessary. Such a requirement may serve two ends. First, it may help to insure that the immigrant, granted preference for a defined purpose, will fulfill that purpose; if we need engineers, he should work as one. Highly skilled specialists, however, will always work at their speciality, provided that employment is open. The only check needed, therefore, is that the Attorney General ascertain from the Board (which has consulted the Secretary of Labor and studied such problems with specific reference to immigrants) that job openings exist in the immigrants' special field. The second end the present petition procedure may serve is confirmation of the applicant's own evidence of his training, education, or skills; presumably he would not be employed unless qualified. But such confirmation is superfluous if proper controls are enforced when the visa is applied for. And since we allow immigrants to enter without U.S. citizens vouching for their loyalty—a far more important matter—there seems no reason to require their capability to be thus additionally supported.

Paragraph (4), therefore, allows the Attorney General to grant preferred status to highly skilled immigrants upon affidavit of the immigrants, supported by such other documentary evidence as he shall prescribe.

Section 10 amends section 205(b) of the Immigration and Nationality Act, providing for petitions to establish the right to preferred status as a relative of a U.S. citizen or lawfully resident alien, to conform to the substantive changes made by section 8.

Section 11 amends the "fair share" refugee law to remove a provision which has hampered its operation. Presently, that law allows the entry only of refugees within the mandate of the United Nations High Commissioner for Refugees. The provision relating to the United Nations mandate is striken out, so that our refugee law is no longer subject to outside control. In addition, subsection (b) repeals the "fair share" law's special provision for 500 "difficult to resettle refugees"; these have all been settled and the authority is now unnecessary.

Section 12 amends the Refugee Relief Act to allow the admission of refugees from North Africa generally, and Algeria particularly, who are unable to return to their countries because of their race, religion, or political opinions. The act now admits such refugees from "any country within the general area of the Middle East," which is defined as the area between Libya on the west, Turkey on the north, Pakistan on the east, and Saudi Arabia and Ethiopia on the south. The amendment substitutes Morocco for Libya as the western border of this area.

Section 13 grants discretionary authority to the Secretary of State to specify the time and manner of payment of the fees for visa applications and issuances set by section 281 of the Immigration and Nationality Act. The discretion granted will allow him to control two undesirable situations.

(1) Many people in countries with oversubscribed quotas register their names on visa waiting lists even though they have no present intention of immigrating; they regard the registration as insurance against a possible future move. These registrations make planning difficult and encumber administration. The amendment would allow the Secretary of State to require a registrant to deposit part of the $5 visa fee at the time of registration. While not unduly burdensome on those who wish to come here, such a rule might discourage the most frivolous registrations.

(2) Otherwise admissible immigrants, particularly refugees, are often unable to pay the $20 visa fee. Rather than bar them from entry, the Secretary is given authority to allow postponement of payment until they have earned the money here.

Section 281 is further amended to equalize the visa fees paid by all immigrants; at present, nonquota or preference applicants must pay $10 more than persons not entitled to priority.

Section 14, like section 13, addresses the problem of insurance registrations. Many people who applied for visas years ago and have been offered visas repeatedly, have turned them down each year. They wish only to preserve their priority against some future event. This addition to section 302 (c) of the Immigration and Nationality Act would allow the Secretary to terminate the registrations of those who had previously declined a visa. Like section 13, it also is important in connection with a projected reregistration of all applicants in certain oversubscribed quota areas, in which we have no way of knowing whether registrants have died, emigrated elsewhere, or changed their minds; the Secretary could terminate the registration of all persons who fail to reregister as required. The provision is not made mandatory to avoid embarrassing or endangering registrants in totalitarian countries, who have no desire to approach an embassy before visas are actually available for them.

Section 15 amends subsections (a) (4) and (g) of section 212 of the Immigration and Nationality Act to allow the entry of certain mentally afflicted persons. Under present law, no visas may be issued to aliens who are feebleminded or insane, or have had one or more attacks of insanity, or who are afflicted with a psychopathic personality, epilepsy, or a mental defect. This provision has an unfortunate effect on families seeking admission though one member, often a child, is retarded or feebleminded. Such families are forced to choose between leaving the child behind, or staying with it; in either case, the child is condemned to facilities for treatment which are often inadequate. The person afflicted may not enter even if the family is willing and able to care for him, nor even if he is one of the 85 percent of mentally afflicted persons who can be substantially helped by proper treatment.

The amendment gives the Attorney General discretionary authority to admit such persons who are the spouses, children or parents of citizens, resident aliens, or holders of immigrant visas. The Attorney General, after consultation with the Surgeon General of the U.S. Public Health Service, would prescribe the controls and conditions on entry, such as the giving of a bond to insure continued family support, as would be appropriate in each case.

The bars to epileptics are removed entirely, since this affliction is now under the control of modern medicine. Those few epileptics whose illness prevents normal functioning will be excludable under the provision barring persons likely to become public charges.

Section 16 establishes the Immigration Board. The Board is composed of seven members. Two are appointed by the Speaker of the House, two by the President of the Senate, and three, including the Chairman, by the President. Members not otherwise in Government service are paid on a per diem basis for actual time spent in the work of the Board.

The Board's duties are to study, and consult with, appropriate Government departments on all facets of immigration policy; to recommend to the President whether to reserve quota numbers in the national interest under section 2; and to recommend to the Attorney General criteria for admission under the occupational preferences of section 8.

Section 17 grants consular officers discretionary authority to require bonds insuring that certain nonimmigrants will depart voluntarily from the United States when required. At present, some students and visitors are denied visas because there is doubt whether they are bona fide nonimmigrants. The amendment, by providing an additional safeguard against a later refusal to depart, would allow the issuance of visas in many borderline cases in which visas are now refused.

Mr. KEATING. Mr. President, will the Senator from Michigan yield?

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from New York?

Mr. HART. I yield.

Mr. KEATING. I wish to commend the distinguished Senator from Michigan for his leadership in the field of immigration. Heretofore, he and I have joined in the introduction of other bills dealing with immigration problems. One of them—Senate bill 747, which now is before us—has had the approval of a large number of organizations; and we have been doing our best to have some action taken in this field.

I am very pleased that the executive branch has now made these proposals and am sympathetic to the approach in this bill. The fact that the Chief Executive has now supported efforts at immigration reform is very important and I shall certainly exert every possible effort to have such legislation enacted at this session.

Mr. President, I am very happy to join the Senator from Michigan in the introduction of this bill, and hope that there will be prompt hearings on this important subject.

Mr. HART. Of course I am grateful to the Senator from New York. He did not say—but I shall—that Senate bill 747 is known as the Hart-Keating bill. I hope either that bill or another one containing the best features of both will become the law of the land.

Mr. KEATING. I thank the Senator from Michigan.

REPEAL OF CERTAIN PROVISIONS OF THE HIGHWAY REVENUE ACT OF 1956

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to amend the Highway Revenue Act of 1956 to eliminate delay in the building of the Interstate Highway System.

As originally planned, the Highway Trust Fund was established so as to bring about a balance between receipts and expenditures over the entire life of the interstate highway program. Authors of the act realized that during construction of the system, there would be years during which the authorized expenditures would exceed revenues. Therefore, they provided that during these years, amounts could be borrowed from the general fund of the Treasury so that the program could be kept on schedule.

The Senate, however, added a provision to the bill, section 209(g), the so-called Byrd amendment, which was "to give assurance that no deficit will developed in the highway trust fund." According to this provision, whenever the Secretary of the Treasury determines that the fund balance is insufficient to meet expenditures required by the highway authorization act, he is to notify the Secretary of Commerce who then is required to reduce the amounts available for apportionment to the States so that no deficiency will occur. As a result of this amendment, we now have a year-by-year balance of revenues and expenditures rather than the originally anticipated revenue-expenditure balance over the life of the program. This produces a seesaw arrangement, with the States and the Federal Government jockeying for financial convergence.

My bill, by repealing section 209(g), will restore the original intent of the act, and will eliminate the financial seesaw effect now achieved. The program will be, as before, self-financing.

All of us who have driven over the twin-ribbon interstate highways are aware of the added speed and convenience they provide. But, more important, these highways are safer. It is estimated that when the program is completed, an estimated 4,000 lives a year will be saved and approximately 150,000 injuries will be prevented. This, it seems to me, is reason enough to take the steps necessary to assure completion of the program on schedule or, if possible ahead of schedule. Therefore, I hope my colleagues in the Senate will give this measure their careful and symathetic consideration.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 1934) to repeal the provisions of the Highway Revenue Act of 1956 requiring certain adjustments of apportionments depending upon the amount of funds available in the Highway Trust Fund; introduced by Mr.

HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

MAKING SECTION 3 OF THE ROBINSON-PATMAN ACT A PART OF THE CLAYTON ACT

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend the Clayton Act by making section 3 of the Robinson-Patman Act a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act.

The need for this proposed legislation has been apparent to supporters and defenders of small business since January 20, 1958. On that date, by a 5-to-4 split decision, the Supreme Court decided the companion cases of Safeway Stores against Vance (355 U.S. 389) and Nashville Milk Company against Carnation Co. (355 U.S. 373). These decisions held that an action by a private party for injunctive relief and treble damages under sections 4 and 16 of the Clayton Act did not lie for violations of section 3 of the Robinson-Patman Act. The Court reached this result by concluding that section 3 of the Robinson-Patman Act was not an "antitrust law," as such laws are defined in section 1 of the Clayton Act.

On January 23, 1958, just 3 days after the Safeway and Carnation decisions, I introduced a bill, S. 3079, 85th Congress, to cure this defect in the antitrust laws revealed by the opinion of the Court's majority. S. 3079 attempted to reach and solve the problem by simply amending the definition of "antitrust laws" in section 1 of the Clayton Act expressly to include the Robinson-Patman Act. That bill has subsequently been introduced and reintroduced by a number of Members of both Houses of Congress. Enactment of S. 3079 was recommended by a unanimous Senate Small Business Committee in Senate Report 1855, 85th Congress, 2d session, 1958, at page 12. My original bill also won the support of the Justice Department in the Eisenhower administration, in principle, although certain technical deficiencies were noted. It is my understanding that the Justice Department under the present administration also approves of the general principle that section 3 of the Robinson-Patman Act should be made an "antitrust law" by express legislation. The bill I introduce today seeks again to achieve this goal, but by a different and, I believe, technically better method.

The method employed by my new bill is to repeal section 3 of the Robinson Patman Act and reenact it as section 3A of the Clayton Act. Since the Clayton Act is an antitrust law, this device will entitle all of those having an interest in or damaged by violation of the section to all of the civil remedies available for the enforcement of other sections of the Clayton and Sherman Acts, notably to private treble-damage actions and suits for injunctive relief.

Section 3 of the Robinson-Patman Act (15 U.S.C. 13a) prohibits three separate and distinct types of price discrimination: First, discrimination against competitors of a purchaser; second, discrimination between parts of the country for the purpose of destroying local competition or a local competitor; and third, any unreasonably low pricing aimed at destroying competition or eliminating competitors. Precisely similar prohibitions are not found elsewhere in the laws designed to preserve our free competitive enterprise system; hence the importance of giving this section the status of an antitrust law.

The reason for the new approach taken by this bill—that is, repealing section 3 of the Robinson-Patman Act and immediately reenacting it as a section of the Clayton Act—is perhaps best explained by quoting a paragraph from the comments of the Department of Justice on my original bill, S. 3079 of the 85th Congress. Then Deputy Attorney General Leonard E. Walsh, in a report to the Senate Judiciary Committee, wrote, in part, as follows:

> It is noted that in its present form the bill does not make section 3 of the Robinson-Patman Act in terms a specific amendment to the Clayton Act, and thereby leaves undefined the words "person" and "Commerce" used in that section. Absent definitions such as those in section 1 of the Clayton Act, for example, it might be held that "person" includes only natural persons, not organizations, a result which Congress obviously did not intend. Moreover, unless section 3 is made clearly amendatory to the Clayton Act, the Government may be unable to use injunctive proceedings under section 15 of that Act (15 U.S.C. 25) against section 3 violations, for the injunction proceedings are limited to those directed to restraining "violations of this Act," the Clayton Act. It would appear that these defects could be remedied by amendment of the legislation to state expressly that section 3 of the Robinson-Patman Act is made an amendment of the Clayton Act.
>
> The letter from Deputy Attorney General Walsh concludes:
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> Subject to the above suggested amendment, the Department of Justice favors the enactment of the measure. The Bureau of the Budget has advised that there is no objection to the submission of this report.

Mr. President, section 3 of the Robinson-Patman Act is potentially one of the strongest weapons available to small businessmen in their struggle for survival. The section has never attained its full potential, however, because it is a criminal statute and therefore outside the jurisdiction of the Federal Trade Commission, and because, under the Safeway and Carnation decisions, it has not been available to private antitrust litigants. The section has been given a new importance by the recent decision of the Supreme Court in U.S. against National Dairy Corp. (372 U.S. 29), which has affirmed its constitutionality. I therefore earnestly hope that this Congress will enact the bill I am introducing today in order to remove the last obstacle to the full development of the utility of this section, by giving it the status of a section of the Clayton Act.

I am very pleased to announce that the distinguished chairman of the Subcommittee on Antitrust and Monopoly [Mr. KEFAUVER] is cosponsoring this legislation, as are the senior Senator from Alabama [Mr. HILL], and the senior Senator from Texas [Mr. YARBOROUGH]. I am pleased, also, to announce that invitations extended to members of the Senate Small Business Committee to join me in sponsoring this legislation have thus far been accepted by the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Alaska [Mr. BARTLETT]. Because not all members of the committee have as yet had an opportunity to consider this legislation and respond to my invitation, I ask unanimous consent that it lie on the table for 1 week. During that week, I shall, of course, be delighted to have any other interested Member of this body, whether or not a member of the Small Business Committee, add his name as a cosponsor of this bill.

I also ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk and be printed in the RECORD, as requested by the Senator from Alabama.

The bill (S. 1935) to amend the Clayton Act by making section 3 of the Robinson-Patman Act a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act, introduced by Mr. SPARKMAN (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to amend section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U.S.C., title 15, sec. 13), and for other purposes", approved June 19, 1936 (49 Stat. 1528, 15 U.S.C. 13a) is repealed.

SEC. 2. (a) The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes", approved October 15, 1914, as amended (38 Stat. 730 et seq.; 15 U.S.C. 12 et seq.), commonly known as the Clayton Act, is amended by inserting therein, immediately after section 3 thereof, the following new section:

"SEC. 3A. It shall be unlawful for any person engaged in commerce, in the course of such commerce, to be a party to, or assist in, any transaction of sale, or contract to sell, which discriminates to his knowledge against competitors of the purchaser, in that, any discount, rebate, allowance, or advertising service charge is granted to the purchaser over and above any discount, rebate, allowance, or advertising service charge available at the time of such transaction to said competitors in respect of a sale of goods of like grade, quality, and quantity; to sell, or contract to sell, goods in any part of the United States at prices lower than those exacted by said person elsewhere in the United States for the purpose of destroying competition, or eliminating a competitor in such part of the United States; or, to sell, or contract to sell,

goods at unreasonably low prices for the purpose of destroying competition or eliminating a competitor.

"Any person violating any of the provisions of this section shall, upon conviction thereof, be fined not more than $5,000 or imprisoned not more than one year, or both."

(b) Sections 11 and 16 of that Act, as amended (15 U.S.C. 21, 26), are amended by striking out the words "sections 2, 3, 7, and 8" wherever they appear therein, and inserting in lieu thereof in each instance the words "sections 2, 3, 3A, 7, and 8".

SEC. 3. Nothing herein contained shall affect any pending prosecutions, or judgments or orders of any court issued and in effect or pending on appeal, based on section 3 of the Act of June 19, 1936, prior to the effective date of the repeal thereof by section 1 of this Act.

EXEMPTION OF BI-STATE DEVELOPMENT AGENCY (MISSOURI-ILLINOIS) FROM CERTAIN PROVISIONS OF INTERSTATE COMMERCE ACT

Mr. LONG of Missouri. Mr. President, the Bi-State Development Agency of the Missouri-Illinois Metropolitan District is a bi-State agency of the States of Missouri and Illinois, created in 1949 by a compact between those States and consented to by Congress in 1950—Public Law 743, approved August 31, 1950. This compact was amended and supplemented in 1953, 1958, and 1959, and in each instance the amendment was consented to by Congress. The Bi-State Agency is administered by a board of 10 commissioners, 5 of whom are appointed by the Governor of Missouri and 5 by the Governor of Illinois, with the concurrence of the respective State senate.

The Bi-State Agency was created for the purpose of owning and operating various public facilities within the Missouri-Illinois Metropolitan District which includes the cities of St. Louis and East St. Louis and the counties of St. Louis, St. Charles, and Jefferson, Mo., and the counties of Madison, St. Clair, and Monroe, Ill. It has been empowered to acquire, own, and operate public passenger transportation facilities within the described metropolitan district.

Pursuant to this power the Bi-State Agency acquired the properties of 15 transit companies operating in the St. Louis metropolitan area and is now operating a unified public transit system pursuant to temporary operating authority obtained from the Interstate Commerce Commission. Approximately 95 percent of the revenues of the Bi-State Agency are realized from the transportation of passengers in intrastate commerce rendered primarily in the city and county of St. Louis, and the remaining 5 percent of its revenues are realized from transportation of passengers in interstate commerce which is subject to the jurisdiction of the Interstate Commerce Commission.

The Bi-State Agency has undertaken the operation of a unified public transit system in order to provide a continuous and a more efficient and economic mass transportation service to the St. Louis metropolitan area. Heretofore, the service rendered by 15 transit companies, operating buses and streetcars has been attended by duplicating routes, closed-door restrictions, and other uneconomic practices which increased the total cost of the service and contributed to a decline in passenger revenue. By consolidating the operations into a unified transit system the Bi-State Agency expects to decrease the cost of providing mass transportation, to modernize facilities, to establish a reasonable, nondiscriminatory, zoned fare structure and to provide an efficient, attractive transportation service to the St. Louis metropolitan area.

The Bi-State Agency believes that the attainment of these goals will require its complete and undivided attention. Freedom from regulation by the Interstate Commerce Commission would permit it to commit all of its resources to these ends. Such freedom would also give the Bi-State Agency needed flexibility readily to inaugurate changes to cope with the difficult problems which it faces. Therefore, the Bi-State Agency has requested that its transit operation be exempted from the Interstate Commerce Act. For this reason, I am introducing today on behalf of other Senators and myself a joint resolution to free the Bi-State Agency from the delays, burdens, and restrictions of Federal regulation and to permit it to concentrate on solutions to the problems encountered in rendering a mass transportation service to a large metropolitan area.

As a nonprofit public agency, the aims of the Bi-State Agency are essentially identical with those of the Interstate Commerce Commission. It is therefore in the public interest, especially in view of the local nature of the transportation service being rendered by the agency, to permit it to operate a mass transit system in the St. Louis metropolitan area unfettered by regulations of the Interstate Commerce Commission.

Mr. President, I introduce on behalf of myself, my colleague, the senior Senator from Missouri [Mr. SYMINGTON], the senior Senator from Illinois [Mr. DOUGLAS], and the junior Senator from Illinois [Mr. DIRKSEN], for appropriate reference, a joint resolution to exempt the Bi-State Development Agency, its affiliates and the transportation rendered by either, whether by motor or rail, within the Bi-State Development District from the applicability of the provisions of the Interstate Commerce Act, as amended, and the rules, regulations, and orders promulgated thereunder.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 104) exempting the Bi-State Development Agency, its affiliates and the transportation rendered by either, whether by motor or rail, within the Bi-State Development District from the applicability of the provisions of the Interstate Commerce Act, as amended, and the rules, regulations, and orders promulgated thereunder, introduced by Mr. LONG of Missouri (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

PRESIDENTIAL COMMISSION ON AUTOMATION

Mr. JAVITS. Mr. President, while the Senator from Oregon [Mr. MORSE] is in the Chamber, I announce, on behalf of myself, the Senator from Oregon [Mr. MORSE], the Senator from West Virginia [Mr. RANDOLPH], and the Senator from Hawaii [Mr. INOUYE], that it is our intention, either later today or tomorrow, to introduce a joint resolution to authorize the appointment of a Presidential Commission on Automation. We are advising with the administration. Before introducing the joint resolution, we wish to have the advice of the White House, the Department of Labor, and the Bureau of the Budget.

It may be that we shall desire to have some changes made in the joint resolution; but it conveys the idea of having the Congress join the President in the development and creation of such a commission—a fundamental idea which we desire to present to the Congress. We hope to receive the comments of the Department of Labor and of the President's office on the provisions of this measure. Inasmuch as the President would appoint the Commission, the provisions of the joint resolution should be satisfactory to him. For myself and other Senators who will join me in the introduction of the joint resolution, I wish to state that we believe we certainly should do our utmost to conform in every way to the President's desires.

We believe it highly desirable to present to Congress the proposal incorporated in the President's message, in order to bring to the attention of the President and of Congress the concept that the Commission should be representative of the entire Government, including the legislative arm.

In his message to the Congress on the railroad strike problem Monday, the President stated that the automation issue, which is particularly acute in that case, is in reality a much broader one which affects the entire economy of the Nation. To reflect this, he proposed to appoint a Presidential commission composed of both private citizens and Government officials. The commission would be charged with the responsibility of identifying and describing worker displacement likely to occur within the next 10 years, and the social and economic effects of these developments on our entire social structure; and of making recommendations to the Federal Government, to all levels of State and local government, and to management and labor outlining steps to be taken so that individual workers are not harmed while the Nation reaps the benefits, to which it is entitled, of increasing automation. The joint resolution which we propose to introduce would join the Congress with the President in creating a commission along these lines.

Such a body, drawing upon the combined expertise of all sectors of economy and Government, has been recommended by Senator MORSE and has long been a recommendation of mine. The latest in a series of bills along these lines

is S. 1302, introduced on April 10 by myself and Senator COOPER, to create a National Productivity Council, which in its main outlines is much like the commission recommended by the President. Similarly, Senator MORSE in dealing with U.S. labor problems had long urged that a Presidential commission be established to deal with the problem of automation.

The resolution of the automation problem will have a decisive effect upon the many other deep economic problems plaguing our Nation, including our wholly unacceptable rate of endemic unemployment, widespread underutilization and obsolescence of production facilities, and aggravated labor-management differences. The joint resolution emphasizes the variety of means which must be explored in order to prevent hardship on the individual worker due to the impact of automation. These include: retraining, relocation, early retirement, preference in rehiring and employment services, and interim compensation during unemployment induced by automation.

These techniques are primarily the responsibility of industry, but they may of necessity also become the responsibility of Government. They must be shaped by the basic fact that automation is sought by industry in order to increase productivity and profit and that, when effective, increases national productivity and wealth.

The most important aspect of the proposal is that it would create a mechanism designed to meet the problem of automation as it will affect the economy in the future, not merely at the moment or for the purposes of solving one crisis. In terms of Federal law we have been caught unprepared in the railroad crisis, both as to how to keep the railroads moving and how to deal with automation. We must not be caught unprepared again on an issue which will clearly be increasingly more critical in every aspect of the American economy.

We must have an overall national policy to deal with it in the various sectors of the economy, guidelines for business and Government to follow, and to implement in detail through business, government, trade associations, and trade unions. Such a policy would be a contribution to justice for the worker and to the country and would increase our Nation's effectiveness.

We have a deadline on the President's emergency bill. We should also place a time limit on this aspect of the program and get to it promptly.

There have been many difficulties in the railroad situation within the past 5 or 10 years. Great adjustments by labor will be required—and also, in my opinion, some support by the Government—in order to prevent automation from becoming a hardship on labor—which certainly no one wants. Automation will involve problems of labor-management relations similar to those in the railroad situation, as well as problems of retraining, relocation, early retirement, and interim compensation during periods of unemployment induced by automation.

Mr. MORSE. Mr. President, will the Senator from New York yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Oregon?

Mr. JAVITS. I yield.

Mr. MORSE. I consider it an honor to join the Senator from New York as a cosponsor of the joint resolution, which is for the purpose of implementing the President's recommendation on automation.

As the Senator from New York has indicated, a copy of the joint resolution has been sent to the executive branch, from which we expect to receive the advice of the Department of Labor, the Bureau of the Budget, and the Presidential assistants at the White House. Therefore, we may not introduce the joint resolution today. However, we believe it very important that the announcement with respect to the joint resolution be made this afternoon—for several reasons, one of which is to give the President a manifestation of assurance that this entire problem will be approached on a bipartisan basis, for, after all, it is a national problem; and, second, we believe it important that the parties to the railroad dispute—both the carriers and the brotherhoods—take cognizance of the fact that we realize that the dispute between them involves in no small degree the problem of automation, and that there is a public responsibility in connection with it.

There is no reason why the employers and the workers should assume all the costs and all the losses incident to automation, inasmuch as it merely represents technological progress. It cannot be stemmed or turned back. It benefits every citizen. The entire economy benefits from automation.

The question is, to what degree should all the taxpayers of the Nation pay for the costs and losses incident to automation? Who knows? But, Mr. President, I do not think it can properly be questioned that a part of the costs should be paid by the American public as a whole.

Therefore, the joint resolution will propose the creation of a Presidential Commission on Automation to undertake a detailed study of all facets of the automation program and to report periodically to Congress, and also to include recommendations for legislation.

As members of the Committee on Labor and Public Welfare, the Senator from New York [Mr. JAVITS] and I have been interested in the question for quite some time. As chairman of the Subcommittee on Education, I had the question called particularly to my attention this year when witness after witness testified with regard to the effect of automation on school dropouts. We must face the problem of thousands and thousands of young people who are dropping out of school, and who are unemployed because they are simply not trained for any of the skilled jobs for which they must be trained these days in order to be employed.

On April 30 I sent a joint letter to Secretaries Freeman, Hodges, Wirtz, and Celebrezze, suggesting that the Secretaries give consideration to a suggestion that they recommend to the President of the United States the appointment of a National Commission on Automation. I ask unanimous consent that a copy of the letter be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

(Identical letters sent to Secretaries Freeman, Hodges and Wirtz)

APRIL 30, 1963.

The Honorable ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: At the opening session on April 29, 1963, of the hearings before my Education Subcommittee on S. 580, the administration's comprehensive education bill, I announced that I was writing to you and to your Cabinet colleagues, Secretaries Freeman, Hodges, and Wirtz, voicing my concern over the problems which the phenomenon of automation is week by week creating in these United States.

The rapidity with which automated change is affecting adversely both our blue and our white collar labor forces poses serious problems which should be met.

These problems are of particular concern to those of us currently engaged in reviewing the President's recommendations concerning the quality and the kind of training to be given our school-age population. However, in my judgment, they are problems the nature of which transcends this one area. They are problems, the magnitude of which should make them of paramount concern to your department and those other Federal Departments of Cabinet level I have specified.

I am, therefore, suggesting to you and to each of your colleagues that you consider carefully, and I hope favorably, recommending to the President of the United States that he establish a broad-gage Council on Automation composed of such members both within and without the Government as he may deem desirable, which shall be charged with the responsibility of reporting to him such steps as should be taken by the Government of the United States to identify and describe what has taken place in the field of automation, what is currently occurring in this area, and what is likely to occur within the next decade, together with specific proposals designed to meet and ameliorate these adverse effects upon the men and women who make up our working force.

Since this problem cuts across departmental lines, it seems to me only appropriate that your recommendations, based upon the advice of your technicians and staff specialists, should be a joint Cabinet recommendation to the President.

Cordially,

WAYNE MORSE,
Chairman, Education Subcommittee.

Mr. MORSE. Mr. President, I am sure—and I cannot conceive of any other attitude being adopted—that the administration will be highly pleased with the manifestation this afternoon of congressional support of the concept of a National Commission on Automation. I am always proud to be associated with the Senator from New York in any of the great issues that involve the national interest.

Mr. JAVITS. Mr. President, I am very grateful to my colleague, the Senator from Oregon [Mr. MORSE]. I am informed by the Parliamentarian that the joint resolution, when offered, will be referred to the Committee on Labor and

Public Welfare. Therefore the Committee on Labor and Public Welfare will be able to play its proper role both in relation to the railroad dispute and the general problem facing the country. The fact that the Senator from Oregon has joined with me in the effort is most auspicious because of the Senator's knowledge of the subject of labor in the country and his outstanding prestigeful position on the Committee on Labor and Public Welfare.

PROPOSED STANDING COMMITTEE ON VETERANS' AFFAIRS

Mr. DIRKSEN. Mr. President, I notice, on examining bills introduced at this session and also in other sessions, that a great many bills have been introduced to provide for a standing Committee on Veterans' Affairs. It occurs to me, on the basis of representations that have been made and also statements that have been made by me, that perhaps a resolution, cosponsored from both sides of the aisle, might be beneficial. I submit a resolution for that purpose, modifying the rule, and including with it certain resolutions and articles, including memorandums, from the American Legion and Veterans of Foreign Wars, and other organizations, which I ask unanimous consent to have printed in the RECORD.

I also ask unanimous consent that the resolution be held at the desk for cosponsorship for a period of 10 days.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The resolution will be received and appropriately referred; and, without objection, the resolution, together with the other matters referred to, will be printed in the RECORD, and the resolution will lie on the desk, as requested by the Senator from Illinois.

The resolution (S. Res. 176) was referred to the Committee on Rules and Administration, as follows:

Resolved, That rule XXV of the Standing Rules of the Senate (relating to standing committees) is amended by—

(1) striking out subparagraphs 10 through 13 in paragraph (h) of section (1);

(2) striking out subparagraphs 16 through 19 in paragraph (1) section (1); and

(3) inserting in section (1) after paragraph (p) the following new paragraph:

"(q) Committee on Veterans' Affairs, to consist of nine Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

"(1) Veterans' measures, generally.

"(2) Pensions of all the wars of the United States, general and special.

"(3) Life insurance issued by the Government on account of service in the Armed Forces.

"(4) Compensation of veterans.

"(5) Vocational rehabilitation and education of veterans.

"(6) Veterans' hospitals, medical care and treatment of veterans.

"(7) Soldiers' and sailors', civil relief.

"(8) Readjustment of servicemen to civil life."

SEC. 2. Section 4 of rule XXV of the Standing Rules of the Senate is amended by striking out "and Committee on Aeronautical and Space Sciences" and inserting in lieu thereof "Committee on Aeronautical and Space Sciences; and Committee on Veterans' Affairs".

SEC. 3. Section 6(a) of rule XVI of the Standing Rules of the Senate (relating to the designation of ex officio members of the Committee on Appropriations), is amended by adding at the end of the tabulation contained therein the following new item:

"Committee on Veterans' Affairs—For the Veterans' Administration."

SEC. 4. The Committee on Veterans' Affairs shall as promptly as feasible after its appointment and organization confer with the Committee on Finance and the Committee on Labor and Public Welfare for the purpose of determining what disposition should be made of proposed legislation, messages, petitions, memorials, and other matters theretofore referred to the Committee on Finance and the Committee on Labor and Public Welfare during the Eighty-eighth Congress which are within the jurisdiction of the Committee on Veterans' Affairs.

The matters presented by Mr. DIRKSEN are as follows:

RESOLUTION BY ADMIRAL BENSON POST NO. 83 OF THE CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA

Whereas the United States has been involved in many wars, veterans of which are living who took part in the Spanish-American War, World War I, World War II, and Korean conflict; and

Whereas many of our brothers are now seeing conflict in such faraway countries as Cuba, Laos, Korea, Indochina, Vietnam, and Nationalist China; and

Whereas it is the intent of the Congress of the United States to protect and secure the rights and privileges of all active soldiers and veterans; and

Whereas all the major veteran organizations support congressional consideration of veterans' legislation; and

Whereas Public Law 601 has been amended since it was created in 1946, in that a new committee was created in 1963 called the Committee on Aeronautics and Space Sciences; and

Whereas veteran legislation has been under the jurisdiction of the Senate Committee on Finance and the Senate Committee on Labor and Public Welfare, notwithstanding the fact that both of these committees are already heavily overburdened with responsibility, and because of their heavy responsibility many pieces of deserving veteran legislation are lost for lack of consideration by these fine committees; and

Whereas the United States has millions of veterans, and the people of this great country have shown on many occasions their great interest in their welfare: Be it

Resolved, That Public Law 601 be further amended in this Congress to create a standing Committee on Veterans Affairs in the Senate and eliminate the division of jurisdiction presently existing over all veteran affairs in this august body.

MICHAEL J. HOWLETT,
Commander.
FRANCIS X. POYNTON,
Member.

[From VFW magazine, November 1962]

WHY A STANDING COMMITTEE OF THE SENATE FOR VETERANS AFFAIRS?

(By Senator EVERETT MCKINLEY DIRKSEN)

There is need for a standing committee of the Senate to deal solely with Veterans Affairs. Veterans problems and their solutions must be handled with greater speed and efficiency. I advocate creation of such a veterans committee.

In 1945 I served on a joint committee of the Senate and House of Representatives which was created for the purpose of reorganizing the legislative branch of government, including the streamlining of committees. The joint committee consisted of six Senators and six Representatives. It labored for 2 years and the fruit of this labor was the Legislative Reorganization Act of 1946, under which standing committees of the House were reduced from 43 to 19 and in the Senate from 33 to 15. It was a considerable task but at long last the reorganization plan was accomplished, the new duties and jurisdictions were allotted, and the committee organization and staffing perfected.

The members of the joint committee soon realized that government is a dynamic and not a static thing. Many factors lead to this conclusion. Our population is rising by leaps and bounds, new functions for government are authorized by the Congress, new fields of activity are invaded, new discoveries—like that of nuclear power—command new activities by government and new agencies are created to deal with such functions. The result is a substantial addition to the workload of all committees.

Matters relating to veterans in this setup are presently divided between the Committee on Labor and Public Welfare and the Committee on Finance. In a general way, the Committee on Labor and Public Welfare has jurisdiction over those matters relating to veterans hospitals, medical care, and treatment. The Committee on Finance deals with veterans measures generally, including pensions for all wars, life insurance issued by the Government for service in the Armed Forces, compensation of veterans, and all matters in the economic categories.

Now let me point out that in the 1st session of the present 87th Congress there was, insofar as I can determine, 322 bills and resolutions introduced in the Senate and House of Representatives and 99 bills and resolutions in the 2d session up to July 13, 1962. This makes a total of 421 veterans measures. I am quite certain that additional measures have been introduced since that time.

These proposals deal with a vast variety of matters affecting veterans, such as awards, disability benefits, burial allowances, hospitalization, housing loans, soldiers' homes compensation, unemployment, war orphans, and a great many others.

Consider the impact of these measures on a completely overburdened Finance Committee, which has been under exceedingly heavy pressure in the preparation of such other important matters as tax revision, trade expansion, social security, medicare, and many other matters over which this committee has jurisdiction. These proposals have kept the Finance Committee in almost continuous session since the beginning of the year, taking an incredible amount of testimony and preparation and submitting measures to the Senate for consideration. It must be obvious that it left far too little time for veterans' matters, certainly not the amount of time that veterans' affairs properly require. Moreover, when the Finance Committee staff is engaged in work on general legislation like trade expansion and tax revision, it allows little time for proper and adequate staff work in connection with those measures in which veterans are most interested.

Much the same case can be made for the Committee on Labor and Public Welfare, which deals with vocational rehabilitation and the education of veterans as well as hospitals, medical care, treatment, etc. In addition to this the Labor Committee has general jurisdiction of the GI bill of rights, all health, education, and welfare matters such as education, National Institutes of Health, Hill-Burton hospital legislation, Federal Council of Arts, including Federal grants, if any, and the railroad retirement and labor matters including labor legislation, labor-management relations, pension and welfare disclosure matters, manpower retraining, longshoreman compensation and District of Columbia workman's compensation.

The sheer volume of work occasioned by problems relating to veterans dictates that a new standing committee, adequately staffed, should be added to the roster of Senate standing committees if our responsibility to the veterans is to be fully and adequately discharged.

It must be evident to anyone who has watched the growth and added responsibilities of Government that the volume of legislation dealing with veterans is not receding. Certainly the Congress has a solemn responsibility to do full and adequate justice to those who in peacetime and in war have assumed their responsibilities for the defense and security of our country.

I believe the record fully supports the need for a standing committee of the Senate on Veterans' Affairs.

STATEMENT BY EDWARD F. MCGINNIS, NATIONAL LEGISLATION COMMISSION OF THE AMERICAN LEGION WITH REFERENCE TO CREATION OF A VETERANS' COMMITTEE IN THE U.S. SENATE

I conclude my discussion of this subject, the last paragraph of this paper, with a one, two, three, recommendation by a well-known and very knowledgeable former Congressman:

1. Know your Congressman.
2. Know your subject.
3. Know the procedure to follow.

My special subject today is No. 2, "Know Your Subject." Anyone talking to, or writing to, a House Member, or a Senator, should know what he is talking about.

Of the sackful of mail hauled into a Congressman's office every morning, only about 1 letter in 25 will be from a constituent who really knows his subject. The Congressman has, at best, only 3 or 4 staff members to answer about 300 letters a day. They can't tarry trying to explain in detail what the facts are because tomorrow will bring in another 300 letters. So, the misinformed letterwriter receives a vague but pleasant stock reply that pleases no one, including the Congressman.

So, here's the background of our drive to get a Senate Veterans' Affairs Committee established: For something like 38 years, and 18 Congresses; from about 1922 to date, the veterans of this country have been trying to get the Congress of the United States to establish, as one of its standing committees, in both Houses, a Committee on Veterans' Affairs.

Due largely to the efforts of the late Congressman Royall C. Johnson of South Dakota, a dedicated Legionnaire, General John Thomas Taylor, Watson Miller, and Tom Miller, in February 1924, a World War Veterans' Committee was created in the House with Johnson as chairman. This came about primarily as the result of action taken in the San Francisco National Legion Convention in 1923 calling for the establishment in each House of Congress of a veterans' committee so as to simplify legislative procedures.

However, little progress was made in the Senate until 1945, when the Joint Committee on the Organization of Congress was created pursuant to House Concurrent Resolution 18, introduced by Senator (then Representative) MONRONEY, of Oklahoma, during the 1st session of the 79th Congress. The joint committee, chairmaned by Senator La Follette, of Wisconsin, was charged, among other things, with the responsibility of making a full and complete study of the organization of Congress and recommending improvements in its organization and operation with a view toward strengthening it, simplifying its operation, improving its relationships with other branches of the U.S. Government, and enabling it to meet its responsibilities under the Constitution.

The joint committee was faced with a tremendous task. This was to be the first comprehensive study of legislative procedure since 1921. The committee devoted more than a year of study, hearings, and deliberations in an effort to fulfill the charge placed upon it by the Congress of the United States.

The committee during that year held 39 public hearings and four executive sessions between March 13 and June 29, 1945. The testimony of 102 witnesses was taken, 45 of whom were Members of Congress. In addition, 37 Members and many private citizens submitted written statements. The American Legion was among those who strongly supported this proposal. The joint committee submitted its report to the Congress on March 4, 1946.

On May 13, 1946, Senator La Follette introduced S. 2177, which was reported to the Senate May 31, 1946. After exhaustive debate, it was passed by the Senate on June 10, and by the House on July 25. It was signed by the President August 2, 1946, becoming Public Law 601.

This law streamlined and modernized the complicated and antiquated procedures of the Congress, and reduced the number of standing committees from 33 to 15 in the Senate, and from 48 to 19 in the House. (Recently another committee has been added in each House.) Public Law 601 provided for a Committee on Veterans' Affairs in the House, but directed that jurisdiction over veterans' benefits and service in the Senate be divided between the Committee on Finance and the Committee on Labor and Public Welfare, notwithstanding the fact that both of these committees were already heavily burdened with the responsibility of considering many other subject matters. To be exact, the Finance Committee has 13 subject matters, only 4 of which pertain to veterans and the Labor and Public Welfare Committee has 19 separate subjects, only 4 of which pertain directly to veterans' affairs.

Now what happened?

As a matter of fact, when Senator La Follette introduced S. 2177 on May 13, 1946, it contained a provision amending rule XXV of the Standing Rules of the Senate, and made provision for the creation of a 16th committee, which was to be called the Committee on Veterans' Affairs, having identical jurisdiction with that of the Veterans' Affairs Committee in the House.

During the intense debate which followed the introduction of S. 2177, Senator La Follette, in response to objections on the floor, that the two-committee assignment rule (each Senator at that time was limited to service on two major committees) would deprive the new committee of the long experience with veterans' affairs possessed by members of the Finance Committee which had jurisdiction of such affairs since World War I, struck the provision for a veterans' committee from the bill. More likely than not this was a compromise measure designed to placate some of the more severe critics of the bill; at the time, however, Senator La Follette observed that a Veterans' Affairs Committee would have to be set up "in the near future in order to relieve the Finance Committee of a tremendous burden."

Efforts directed toward the creation of a Senate Committee on Veterans' Affairs did not cease with the end of the 79th Congress. One of the responsibilities of the then Committee on Expenditures in the Executive Departments of the Senate and House was to "evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government." In the exercise of this responsibility, the Senate Committee on Expenditures in the Executive Departments held hearings during June of 1951 on the Legislative Reorganization Act of 1946. It had been 5 years since the passage of the Legislative Reorganization Act of 1946; Congress had had 4 years' experience with the workings of the law; it was therefore considered timely to undertake a fresh review of the operation of the so-called La Follette-Monroney Act in terms of its own objectives. It was felt that consideration should be given in the light of this experience, as to whether or not the act needed amendment and strengthening.

The Committee on Expenditures in the Executive Departments, under the chairmanship of Senator JOHN L. MCCLELLAN, held hearings June 6 to 27, 1951, 14 in all.

One of the principal recommendations which culminated as the result of these hearings in 1951, was to "create a standing Senate Committee on Veterans' Affairs." This recommendation was embodied in Senate Resolution 148, introduced by former Senator Homer E. Ferguson on May 29, 1951, in behalf of himself and 35 other Senators, calling for an amendment to the Senate rules to create a standing Committee on Veterans' Affairs. When Senator Ferguson testified before the Committee on Expenditures in the Executive Departments, in the Senate on June 6, 1951, he referred to Resolution 148, which had the strong support and backing of all the major veteran organizations, and then gave the following testimony, which is quoted in part:

"When I introduced the present resolution last week, I sought to stress the broad scope of veterans' affairs as we have already assumed responsibility for them, the accumulation rather than any decrease in their scope as a result of present military activities and national security plans, and the need for specialized congressional attention to these matters both in the interest of the veteran and the public at large.

"Rather than detail the arguments for this proposal, I would like to bring into the open what is probably the principal objection held by some Members of the Senate. They contend that such a standing committee as we propose would perhaps become a captive committee, readily subject to pressures from highly organized special interests of veterans' groups.

"Granting the sincerity and good purposes of these objectors, and I know their purposes are well intended, I feel first that that attitude is an unwarranted reflection upon the organized veterans groups as I have observed them. Of course, they hold special interests. But what organized group does not and is there anything necessarily wrong or sinister in special interests? I think not. I believe the veterans want and deserve a specialized and expert group in Congress to whom they may take their problems for fair appraisal. I believe they will return good faith for good faith. I feel the public interest as well as the extensive interest of veterans will be best served, in the long run, by such an arrangement.

"Furthermore, I see in the nature of the objection an unwarranted reflection upon the Members who would serve on such a committee. It is argued that Members are shielded from exposure to veterans' interests by burying veterans' matters within the jurisdiction of two other committees with other major interests. I do not think any Member of the Senate needs the protection of such subterfuge."

Despite the time, effort, and money expended by the committee and the personal pleas of Senator Ferguson and the late Senator James E. Murray, only one major recommendation came out of the committee, and was enacted into law, and that was changing the title of the committee from Committee on Expenditures in the Executive Department to the Committee on Government Operations.

The campaign was not abandoned. Led by such champions as Senators Morse, Dworshak, and Ferguson, renewed efforts were made in 1953 and 1956. At least 8 or 10 Senate resolutions were introduced between 1953 and 1960, by the three Senators just mentioned and by Senators Potter,

Neuberger, Humphrey, Jackson, Magnuson, Cannon, and Keating. But those Senators who had opposed the change since 1956 still prevailed.

During the 1st session of the 86th Congress, the chairman of the Committee on Rules and Administration, Senator Hennings, of Missouri, appointed Senators CANNON and KEATING as a subcommittee to consider Senate Resolutions 10, 12, 19, and 80, all providing for a standing Committee on Veterans' Affairs. This subcommittee held hearings on June 9 and 10, 1959. Almost all of the testimony, both oral and written, favored the creation of a veterans' committee.

Senator WAYNE MORSE provided a table of statistics and the staff of the Committee on Rules of the Senate made an independent study of the history of both House and Senate bills relative to veterans. The various statistics submitted, contained minor discrepancies which the staff was unable to entirely reconcile, but it was able to construct a composite history from the several sources, which indicates that during the 80th, 81st, 82d, 83d, 84th, and 85th Congresses, the Committee on Finance did report favorably to the Senate 93 House bills and 17 Senate bills relating to veterans; and that 63 House bills and 55 Senate bills died in the Senate Finance Committee. A total of 110 favorable; and 118 died in committee.

Veterans' legislation fared better in the Committee on Labor and Public Welfare during the same period—45 House bills and 9 Senate bills were reported favorably, and 4 House bills and 60 Senate bills died in committee. I repeat what I said a moment ago, that because of lack of certain statistics, not readily available, this report is not complete, but is accurate to the extent that complete figures were presented to the subcommittee pertaining to the 84th and 85th Congresses.

The subcommittee report states that more than 40 Senators, by their cosponsorships of one or more of the resolutions before the committee, have expressed their desire that the Senate create a standing Committee on Veterans' Affairs and that more than 49 Senators have expressed their support of this proposal.

Since this subcommittee report was filed, 25 new Senators have entered that body, in 1960 and 1962. A number of these new Senators have announced their support of this proposal.

The subcommittee report calls attention to a very important point. I quote:

"The creation of a new standing Committee on Veterans' Affairs would in your subcommittee's opinion not be in derogation of the spirit of the 1946 Reorganization Act. The bill which resulted in that act, as reported to the Senate, provided for the establishment of a Committee on Veterans' Affairs. The bill was amended on the Senate floor to delete reference to a Committee on Veterans' Affairs and to divide jurisdiction over veterans' legislation between the two committees now handling such legislation.

"Senator Robert La Follette, Jr., who was in charge of the bill in the Senate, reluctantly agreed to the change in order to speed consideration and passage of the bill, but noted that a new committee would soon have to be created because the burden of veterans' legislation would be too much for the Committee on Finance with its manifold other exacting tasks concerning the revenue.

"It has been suggested that to create a new standing committee would, by setting a precedent for additional committees, open the floodgates toward the establishment of multitudinous committees, and in the end leave the Senate under a handicap. In the first place the precedent for the creation of additional committees was made last year with the creation of the new Committee on Aeronautical and Space Sciences. Secondly, the Senate should not hold to a rigid rule about creation of committees but be guided by what is most advantageous in the conduct of Senate business. Last year it created a new committee without any hestitation because it saw the wisdom in so doing. We suggest that the wise course again is for it to create this much needed committee in veterans' affairs.

"As the Senate is now constituted, with a very large number of subcommittees, Senators are working under virtually the same handicaps as they were prior to the enactment of the Legislative Reorganization Act. The creation of another standing committee will not place any undue burden on the Senate. In addition, with all veterans' legislative problems centered in one committee devoted solely to that subject matter, Senators in their daily handling of all types of veterans' problems would be greatly aided.

"Your subcommittee cannot accept the argument that the Finance Committee charged with revenue prolems should, therefore, have jurisdiction over the authorization of veterans' benefits. On the basis of this reasoning, the Senate could be reduced almost to one committee. There is no more logic behind this reasoning than there would be to a proposal to give the Finance Committee jurisdiction over all fund authorization affecting the Armed Services, Department of Agriculture, and the Post Office Department.

"Finally, your subcommittee urges the creation of a standing Committee on Veterans' Affairs because with over 22 million veterans in the Nation and the vast expenditures involved in present veterans' benefit programs, the subject matter is of great national importance and warrants the special attention of a standing committee adequately equipped with full-time staff specialists and experts.

"For the reasons outlined above, your subcommittee respectfully recommends that the Committee on Rules and Administration report to the Senate favorably the committee resolution set forth above.

"Your subcommittee included in the proposed committee resolution a provision (sec. 3) authorizing three members of the Committee on Veterans' Affairs to sit as ex officio members of the Committee on Appropriations when the annual appropriations bill making appropriations for the Veterans' Administration is being considered by the latter committee. This is in keeping with the policy now in force concerning committees with jurisdiction similar in kind to that proposed for the Committee on Veterans' Affairs."

I believe it is obvious to any observer of the actions and procedures of the Senate that our first job is to work for consideration and an early hearing by the Rules Committee of the several resolutions already introduced by a number of Senators.

This should be the first order of business for our legislative commission, our national commander, all of our department officers, and legislative committees of the 56 departments.

First things first. The leadership of the Senate, and the chairman of the Senate Rules Committee should be pressed for early action. This must be the first order of business for us, because our entire legislative program, our efforts in behalf of the disabled, national defense, all of our long list of must legislation, may wind up where so many other bills finished during the past years—dead—for lack of action by the Finance Committee or the Labor and Public Welfare Committee.

The Veterans' Committee of the House does not always act favorably on Legion proposals. In fact, sometimes it acts unfavorably. But, that House Veterans' Affairs Committee rarely allows legislation to die without action; its membership is composed of men and women who are dedicated to give consideration to the problems of those who have served their country in its Armed Forces.

In closing my part of this discussion, may I sum up by suggesting a few practical, hard, steps that can be taken. I shall quote one of the best authorities that can be found—a man who served in the Congress for many years:

1. Know your Congressman.
2. Know your subject.
3. Know the procedure to follow.

APPENDIX

Under the present circumstances, the American Legion, and other veterans' organizations find it extremely difficult to appear before and present arguments to the Senate Committee on Finance for the simple reason that that committee does not have time to hold such hearings. Veterans' legislation coming over from the House is shunted aside in the hope that they can get around to it at a later date. But that later date has a way of never coming around.

One of the soundest reasons for requesting help for the creation of a Senate Veterans' Committee is that this would mean a full-time informed staff to handle veterans' problems in the Senate. The presence of a capable informed staff would provide Members of the Senate with a place to go when they receive requests for information and assistance from their constituents regarding veterans' problems.

Under present conditions, most veterans' legislation is originated in the House because the Senate committees simply do not have the time and the staff to study and develop veterans' legislation.

ANALOGY

Latest statistics (1959) indicate there are 3,710,503 farmers in the United States. The same authority states there are presently something over 22 million veterans of our last three wars still living.

Veterans' benefits appropriations in the last Congress total approximately $5,500 million. Appropriations for the Agriculture Department total approximately $5,700 million. This in itself seems to provide an excellent reason why there should be a veterans' committee in the U.S. Senate as well as a Committee on Agriculture.

THE AMERICAN LEGION,
Washington, D.C., June 28, 1963.

Hon. EVERETT MCKINLEY DIRKSEN,
U.S. Senate, The Capitol,
Washington, D.C.

DEAR SENATOR DIRKSEN: Knowing your interest in the desire of the veterans of this country to have established in the U.S. Senate a Committee on Veterans' Affairs, and your interest in general of the problems facing the veterans, I feel that you would be interested in knowing that there was held today a meeting to discuss establishment of such a committee in the Senate of the United States.

Attending this meeting were the personal representatives of the national commanders of six of the leading veterans' organizations of the United States. They were: Mr. Garry J. Bowman, AMVETS; Mr. James W. Hafey, Catholic War Veterans; Mr. William J. Flaherty, Disabled American Veterans; Mr. Francis W. Stover and Mr. John D. Fagan, Veterans of Foreign Wars; Mr. Michael Dwyer, Veterans of World War I; Mr. Edward F. McGinnis and Mr. Clarence H. Olson, the American Legion; and Mr. Leroy P. Chittenden, the National Tribune.

This group reviewed the history of efforts to establish a veterans' committee in the U.S. Senate which began in 1924, at which time a World War I Veterans' Committee was created in the House of Representatives. Little progress was made to establish such a committee in the Senate until 1946 at which time the La Follette-Monroney bill was

introduced, S. 2177, and after exhaustive debate passed the Senate and became Public Law 601. That original bill provided for amendment of rule XXV of the Senate and made provision for the creation of a Committee on Veterans' Affairs, having identical jurisdiction with that of the Veterans' Affairs Committee of the House. During the debate on the floor that provision was struck from the bill, and at the time Senator La Follette observed that a Veterans' Affairs Committee would have to be set up "in the near future in order to relieve the Finance Committee of a tremendous burden."

Since that time a number of hearings have been held and a rather extensive record exists indicating the efforts made by many Senators to accomplish this purpose. Attached you will find a chronological history of these legislative activities.

Under the present circumstances, the American Legion, and other veterans' organizations find it extremely difficult to appear before and present arguments to the Senate Committee on Finance for the simple reason that that committee does not have time to hold such hearings. Veterans' legislation coming over from the House is frequently set aside in the hope that they can get around to it at a later date. But that later date, in many instances, has a way of never coming around.

One of the soundest reasons for requesting help for the creation of a Senate Veterans' Affairs Committee is that this would mean a full-time informed staff to handle veterans' problems in the Senate. The presence of a capable informed staff would provide Members of the Senate with a place to go when they receive requests for information and assistance from their constituents regarding veterans' problems.

Under present conditions, most veterans' legislation is originated in the House, because the Senate committees simply do not have the time and the staff to study and develop veterans' legislation.

Recent statistics (1959) indicate there are 3,710,503 farmers in the United States. The same authority states there are something over 22 million veterans of our last three wars still living. Veterans' benefits appropriations in the last Congress total approximately $5,500 million. Appropriations for the Agriculture Department total approximately $5,700 million. This in itself seems to provide an excellent reason why there should be a Veterans' Affairs Committee in the U.S. Senate, as well as a Committee on Agriculture.

Out of this meeting held today came a determination to have all veterans' organizations highlight this matter at their national conventions to be held later this summer. One thing is certain, all veterans' organizations (which means a substantial segment of the 22 million veterans) are united in this effort to try to convince the Members of the U.S. Senate that there should be a separate Senate committee to consider the many veterans' problems that come before the Senate.

I am authorized to say to you that we are deeply grateful for your support in this project, and we earnestly solicit your continued good efforts toward this goal.

Respectfully yours,

EDWARD F. MCGINNIS,
National Legislative Commission.

ADDITIONAL APPROPRIATIONS FOR PROSECUTION OF PROJECTS IN CERTAIN RIVER BASIN PLANS—AMENDMENTS

Mr. MUNDT (for himself and Mr. MANSFIELD) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 6016) authorizing additional appropriations for prosecution of projects in certain river basin plans for flood control, navigation, and other purposes, which were ordered to lie on the table and to be printed.

INCORPORATION OF CATHOLIC WAR VETERANS—ADDITIONAL TIME FOR BILL TO LIE ON DESK FOR ADDITIONAL COSPONSORS

Mr. DIRKSEN. Mr. President, on July 18, I introduced the bill (S. 1914) to incorporate the Catholic War Veterans of the United States of America, and asked that the bill be held at the desk through July 23. I now modify that request, and ask to have the bill kept at the desk for cosponsors through July 25.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of Henry Cabot Lodge, of Massachusetts, to be Ambassador to the Republic of Vietnam.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. BYRD of Virginia:

Statement made by him on July 18, 1963, relating to the President's balance-of-payments message.

RESPONSIBILITIES OF SENATOR MAGNUSON

Mr. MANSFIELD. Mr. President, William S. White, who for many years has studied and written about the Senate, has a shrewd and kindly profile of our esteemed colleague, Senator WARREN G. MAGNUSON, of Washington, in his syndicated column which appeared on Friday, July 19, in the Washington Star and other newspapers.

"The Hayload Falls on 'MAGGIE' " is the perceptive heading chosen for this column, in which the Pulitzer Prize-winning newsman reports on Senator MAGNUSON'S responsibilities as chairman of the committee considering the most emotion-packed bill before the Congress in many years and also as chairman of the Democratic Senatorial Campaign Committee.

That Senator MAGNUSON affably accepts these responsibilities—which in some sections of our country may appear incongruous—and will pursue both objectives with equal energy, is strongly implied by Mr. White when he states:

This columnist, who is not innocent of skepticism toward the motives of politicians, has no doubt that Senator MAGNUSON, of Washington, is truly for the civil rights package, public accommodations and all. Equally, there is no question that Senator MAGNUSON is no less devoted to his mission of helping return his hard-pressed Western Democratic colleagues.

Mr. White might have made the same observation about Senator MAGNUSON'S dedication to electing Democrats to the Senate from every section of the country.

Nor has our distinguished colleague, the senior Senator from Washington, ever shirked his legislative duties, however arduous, as we who have followed his service on Capitol Hill for more than a quarter of a century will agree.

The Senate Committee on Commerce, over which he presides as chairman, does not always have to resolve such dramatic issues as nondiscrimination in public accommodations; but it is always busy with such important and complex problems as communications, interstate and foreign commerce, fisheries, and transportation.

Mr. White in his column speaks of Senator MAGNUSON'S "solid, uncomplaining, Scandinavian-American shoulders," on which the burdens of civil rights legislation and the election of Democratic Senators have been placed.

To these and to the normal pressing workload of the Committee on Commerce has now been added the administration's bill designed to prevent a railroad transportation crisis of such magnitude as this country has not before experienced.

It is not my place to predict at this time what action the committee will take on the proposed legislation—action which may depend on the attitude of railroad management and the railroad brotherhoods while the bill is before the committee.

But I do know that Chairman MAGNUSON, as will the other members of the committee, will without protest or complaint, welcome this new burden, this new responsibility, and that they will discharge their responsibility with honor and integrity. Another load of hay has fallen on MAGGIE'S shoulder.

I ask unanimous consent that the newspaper article "The Hayload Falls on 'MAGGIE,' " written by Mr. William S. White and published in the Washington Star, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HAYLOAD FALLS ON "MAGGIE"

(By William S. White)

As they say around the Senate these days, the whole load of hay in this session of Congress has fallen on "MAGGIE."

"MAGGIE" is the Capitol's affectionate nickname for Senator WARREN G. MAGNUSON, Democrat, of Washington. The load of hay that now burdens his solid, uncomplaining, Scandinavian-American shoulders represents twin responsibilities which are at war with each other. The discharge of one is anything but helpful to the discharge of the other.

On the one hand, as chairman of the Senate Commerce Committee his job is to forward the most controversial part of the Kennedy administration's omnibus civil rights package. This is the proposal to force integration of private business by Federal law under pain of Federal punishment.

On the other hand, as chairman of Democratic senatorial campaign committee, it is Senator MAGNUSON'S urgent duty to help reelect all Democratic Senators who must run again next year.

The first task is difficult in the extreme. For, notwithstanding the probability that he will be able to bring the integration bill from his Commerce Committee—though doubtless in a much modified state—its chance of approval by the Senate itself is dim, indeed.

A Senate majority, if allowed to proceed without unduly violent intimidation from the Negro leaders and the small band of Democratic and Republican civil rights extremists allied with them, is likely in the end to vindicate such actual Negro rights as the free vote and unrestricted use of publicly supported facilities like schools and transportation. But it is most unlikely in any event to accept the proposition that the refusal of a private business or lodging home to serve all comers, however unethical this refusal may be, is actually to be made a Federal offense. The concern here, of course, is for the maintenance of the centuries-long rights of private property.

It is at this point, in any event, that great complications arise under the second of Senator MAGNUSON'S hats, the hat he wears as chairman of the Democratic senatorial campaign committee. For the mere existence of the civil rights issue in its inflamed condition—and especially that part of the issue specifically involved in the public accommodations section now before his Commerce Committee—will undoubtedly injure most of the Democratic Senators who must run for reelection next year.

This is most poignantly true, as it happens, of precisely the one group of such Senators—seven from the West—who happen to be most vulnerable of all to Republican challenge in 1964. No competent political observer denies that the West—which was generally hostile to the Kennedy-Johnson ticket in 1960 and which in all the country outside the South has since shown the sharpest rise in conservative sentiment—is the most dangerous senatorial territory from the Democratic point of view.

To pass any sort of substantial civil rights legislation in the Senate will require application of the gag rule to shut off a southern filibuster. This needs a two-thirds majority. The westerners will be pressured endlessly to vote for the gag. If they do not so vote, they will be branded, quite unfairly but also quite inevitably, as "anticivil rights." If they do so vote, they will break an old tradition among western Senators—outside giant California—against supporting the gag at any time. It is a tradition based upon the demonstrated fact that the West, itself, knows it often needs the right to filibuster, as the ultimate protector of all minority interests and of all the ill-populated States.

This columnist, who is not innocent of skepticism toward the motives of politicians, has no doubt that Senator MAGNUSON, of Washington, is truly for the civil rights package, public accommodations and all. Equally, there is no question that Senator MAGNUSON is no less devoted to his mission of helping return his hard-pressed western Democratic colleagues.

All this explains why it is that when his fellow Senators say that the whole load of hay has fallen on "MAGGIE," they utter but the painful and total truth.

THE RAILROAD RULES DISPUTE

Mr. JAVITS. Mr. President, bearing upon the danger of a railroad strike, we have a great test of the sense of responsibility of American labor and of American management.

A number of us who are deeply concerned with this matter have been concerned about whether Congress can act in time to head off a strike. It is obvious that if the deadline is next Monday midnight, Congress cannot act in time, even with the best of good will and the best desire to move forward.

The President is in no position to ask the railroad managements to defer further the application of the work rules, but Congress is. So I believe very much that the railroads should respond to the request made of them by the Senator from Rhode Island [Mr. PASTORE] and, as I understand, a similar request made by the chairman of the Committee on Interstate and Foreign Commerce of the other body. Nonetheless, we must deal with realities. Therefore, I hope that sometime today the leadership will introduce a joint resolution—by the leadership, I mean the chairman of the committee, the majority leader, and the minority leader—requesting the railroads—and I shall read the wording of the joint resolution which I have drafted:

> To defer the effective date of the new work rules from July 29, 1963, to August 30, 1963, in order to afford to the Congress the opportunity to act upon the President's recommendations and to provide by law a means to settle definitively the work rules dispute and avert the crisis which a railroad strike would involve for the Nation.

We now have endorsement of that position by Mr. George Meany, president of the AFL–CIO.

If this is not done in the ways I have described, by the Congress or by the leadership, I shall hope to join with the distinguished Senator from Oregon [Mr. MORSE] in introducing such a joint resolution before the end of the day. I hope very much it will not be necessary; or, if it is necessary, I hope they will do it; but I hope that it will not be necessary, by virtue of agreement by the railroad managements.

I repeat that I hope, first of all, that the railroads will agree; and, second, that if they do not agree, that the leadership will take the suggested action. But I suggest that certainly Congress should have an opportunity to express itself.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. I appreciate the feelings of the distinguished Senator from New York. I call his attention to a fact he already knows—namely, that both the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and I have received letters from Mr. George Meany, president of the AFL–CIO. I have discussed the matter with the distinguished minority leader, and also with my Democratic colleagues in the Congress, as the minority leader has done with his Republican counterparts in the other body; and it is not our intention to introduce a joint resolution at this time.

We would like to see how things develop. We have not given up as to the possibility of the introduction of such a joint resolution; but for the time being we would like to see the trend of events; and on the basis of the letter sent to both leaders by the president of the AFL–CIO, we would like to have the trust and the confidence of Members on both sides.

Mr. JAVITS. I thank the Senator from Montana.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JAVITS. I believe the time available to me has expired.

Mr. MORSE. Mr. President, we may run over a minute or two, but I believe it would be well to have a continuity of discussion on this subject at this time. It is an important matter. What I have to say will take only 3 or 4 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from New York may have an additional 6 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. Mr. President, I yield to the Senator from Oregon.

Mr. JOHNSTON. Mr. President, I intend to object to committees meeting.

Mr. MANSFIELD. No Senator has yet made such a request.

Mr. JOHNSTON. I object now to the committees meeting.

Mr. MANSFIELD. No Senator has yet asked.

Mr. JOHNSTON. I want to enter an objection.

Mr. MANSFIELD. No Senator that I know of is asking that a committee meet this afternoon.

Mr. JOHNSTON. I shall have to object to a committee meeting. I object to all committee meetings.

Mr. MORSE. Mr. President, I join with the majority leader. I am sure the Senator from New York will not differ with the principle I wish to discuss for a moment. If there is no voluntary agreement to postpone for 30 days putting into effect the working rules, the Congress has a clear obligation to adopt a resolution calling upon the parties to postpone. If we cannot get an understanding with them, then, of course, we must take other courses of action.

My intuition tells me that both sides in the dispute are as appreciative of their public responsibility as we in the Congress are of ours. I can quote no one. But I had a conference yesterday and again this morning with representatives of the parties. There is certainly no desire on their part, in my judgment, to precipitate a strike on the 29th if Congress is proceeding to the consideration of necessary legislation proper in the field.

In my judgment, within the next few hours the prospects are very good that the carriers will voluntarily, without need for any congressional action—and I think that is desirable if possible—announce that they intend to postpone putting into effect the working rules until Congress has had ample time to act in the premises.

It is pretty well known—the statement has appeared on the ticker—that Representative HARRIS made that request of the carriers at the beginning of the House hearing this morning. The spokesman for the carriers, Mr. Loomis,

said that although he was not then in a position to commit the carriers, he would take the request back to the carriers and announce a decision later.

Mr. President, I take a second or two to commend highly the Senator from Rhode Island [Mr. PASTORE] for th_ magnificent way in which he has started hearings. At the hearing yesterday afternoon, the acting chairman of the Senate committee made the same suggestion as that made by Representative HARRIS. So the carriers are aware of the suggestion of at least the chairmen of the two committees. My conversation this morning leads me to believe that if I were a betting man, which I am not, I would give heavy odds that the carriers will agree to the request that has been made of them by the chairmen of the two committees, voluntarily to postpone putting the working rules into effect until the Congress has had time to act.

But we in the Congress must face our responsibilities on this question. We cannot justify any dilatory tactics, or dilly-dallying. We must proceed with dispatch. The chairmen of the two committees have made clear that they intend to bring to the floors of the two Houses at the earliest possible moment proposed legislation on the subject for due debate and final action.

The carriers are entitled to exercise their legal right to effectuate work rule changes. On the other hand, they have a very clear public duty to postpone putting those rules into effect within the next 30 days so that the Congress may take wise action, and not hasty action. Furthermore, I never give up hope on this matter. Such a postponement would provide the parties with an opportunity to settle their dispute by collective bargaining, which is the soundest way in which to settle it during the next 30 days.

Mr. JOHNSTON rose.

Mr. JAVITS. Mr. President, with the indulgence of the Senator from South Carolina, I should like to speak for 1 minute.

MEETING OF COMMITTEES DURING SENATE SESSION

Mr. JOHNSTON. Mr. President, I wish to object to the meeting of committees. I understand that at the present time some committees are meeting. I want it understood that I object to any committees meeting while the Senate is in session.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have 1 additional minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JAVITS. In response to the statements of the majority leader, the Senator from Montana [Mr. MANSFIELD] and the Senator from Oregon [Mr. MORSE], I should like to say that I am grateful to the majority leader for allowing us time for a consecutive discussion of the subject. I have always done my utmost to cooperate with the leadership. I shall do so on the present occasion. Sometimes some of us must stimulate a line of thought. The only point I should like to add is that it is our duty not only to try to enact legislation which will settle the controversy, but also to terminate a possible strike. I believe action can be taken in two ways. First, through a resolution such as the one I have submitted.

Mr. President, I ask unanimous consent that the resolution be printed at this point in my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas railroad management has announced that new work rules will become effective on July 29, 1963; and

Whereas railroad labor has announced its intention to call a nationwide strike if the proposed work rules are made effective; and

Whereas the President has made it clear that such a strike would have drastic and far-reaching effects upon the economy of the Nation; and

Whereas the President has proposed to the Congress legislation to deal with the work rules dispute which is presently pending before the Congress: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the railroads should defer the effective date of the new work rules from July 29, 1963, to August 30, 1963, in order to afford to the Congress the opportunity to act upon the President's recommendations and to provide by law a means to settle definitely the work rules dispute and avert the crisis which a railroad strike would involve for the Nation.

Mr. JAVITS. Second, the Senate should enact section 5 of the measure which the President sent us, which is a satisfactory provision in and of itself in respect to any possible strike. It contains power of legal enforcement.

I agree with the Senator from Oregon that there must be no dilatory action. Thirty days is about the right time. We must act within that period of time. I shall cooperate closely with the leadership and, in the final analysis, I shall endeavor to discharge my responsibility, if responsibility is not otherwise discharged. Of course, I shall cooperate fully.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MANSFIELD. I wish it clearly understood that it is not anticipated that it would require 30 days for proposed legislation to be reported from the committees. It is the hope of the combined leadership that proposed legislation will be reported as expeditiously as possible. I am happy to note the dispatch with which the committees are serving. On the Senate side the Senator from Rhode Island [Mr. PASTORE] has already undertaken hearings. He is prepared to resume hearings at 4 o'clock this afternoon and, if need be, at 7 o'clock this evening.

Mr. JAVITS. If it is a question of keeping the Senate in session in order to act seasonably, by resolution or otherwise, we ought to do so in order that we may complete action by the midnight deadline. That is the whole purpose I desire to serve. If I have done so, I am grateful.

Mr. MANSFIELD. The Senator always serves a useful purpose.

Mr. LAUSCHE. Mr. President, yesterday I was in attendance at the hearings of the Committee on Commerce. The evidence shows that thus far five public agencies have made recommendations of ways and means to settle the dispute. Each of the five recommendations was accepted by the railroads.

Each of the five was accepted by the unions on condition. The conditions attached disclose that there was no acceptance of any of the five recommendations that were made.

The principal recommendations were made by the President's Commission, which was made up of 15 members appointed in 1960 by President Eisenhower. Five of the members represented labor, five represented the railroads, and five represented the public. The committee was known as the Rifkind Committee. That committee made recommendations which would solve the problem. The railroads accepted the recommendations. The union rejected the recommendations.

The point I make is that, based upon the attitude of the railroads in connection with the five recommendations, I feel certain that the request made by the members of the Committee on Commerce and the request contained in the resolution of the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD] that there be a deferment of the institution of the work orders will be abided by.

I am certain that, based upon past conduct, we can expect that the future conduct of the railroads will be to "delay the institution of the rules." I feel as certain as I stand here that that will happen. If that happens, we shall be able to proceed in a more orderly way in our hearings, in determining what should or should not be done.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. HUMPHREY. I join the Senator from Ohio in urging upon the carriers their continued good will and cooperation in reference to withholding the application of the new work rules.

The most important thing is to insure the continuation of the processes of collective bargaining, even as the Congress itself works its will on proposed legislation. I join with the Senator from Oregon [Mr. MORSE], the Senator from New York [Mr. JAVITS], the majority leader, the Senator from Montana [Mr. MANSFIELD], the minority leader, the Senator from Illinois [Mr. DIRKSEN], the Senator from Ohio [Mr. LAUSCHE], and other Senators in asking—and humbly requesting—the carriers that they do in this instance as they have done in the past, and extend the period of time so that collective bargaining may continue, so that Congress may carry out its work and that there may be no work stoppage. I have the feeling that this will be accomplished.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from Ohio may proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GRANTING OF "THE MOST FAVORED NATION CLAUSE" TO THE YUGOSLAV COMMUNIST GOVERNMENT

Mr. LAUSCHE. Mr. President, it appears that we are heading in the direction of recognizing Yugoslavia as a most favored nation, and thus granting to it export privileges into the United States under this benign appellation which is to be applied to that country. If that should be done, in my judgment we would be making a serious mistake.

In 1962 Yugoslavia improved its balance of payments, which was at a catastrophic level in 1961. In 1961 its foreign indebtedness reached $1 billion.

The main reason for this state of affairs was the Communist preoccupation with high rates of growth and hence high investment, without the Communist government paying much attention to where it was heading fiscally. The proof shows that the Communist government of Yugoslavia has been subsidizing operations, and most notably its industry of building ships to sail on the high seas and other waters. The Communist government has been subsidizing the building of such ships to the extent of 50 percent, in an effort to capture world markets. While indulging in this program its internal situation economically has grown constantly worse, and because of that worsened condition Yugoslavia considers it imperative that it find markets in the world.

In response to its appeal, we are in the process of saying, "Yugoslavia, with your Communist government, you are entitled to be labeled as 'most favored.'"

I cannot go along with that program.

I point out that several days ago Mr. Noyes of the Washington Evening Star had published a series of articles—and other newspapers have published similar articles—emphasizing that we are selling more to Yugoslavia than we are buying from Yugoslavia. Yesterday in the Foreign Relations Committee a special check was made on the subject for the year 1962. The check showed that we exported to Yugoslavia $154 million worth of goods, and that Yugoslavia exported to the United States $47 million worth. It would appear that our sales were $107 million more than our purchases, but nowhere was it revealed that $116 million of the exports were embraced in the selling of food for soft currencies.

My only purpose in making the statement is that this subject will require much more attention before we grant to Yugoslavia the status of a "most favored nation."

The granting of "the most favored nation clause" or the withdrawal of it can change little as long as the Yugoslav Communist Government does not put its own house in order. Should the clause be granted, the Government will feel less compelled than ever to reform the Yugoslav economy on a sound basis. What is worse, other small countries will have the impression that the United States approves of the confused Yugoslav economic policy and will continue taking it as a model.

The Yugoslav Communists do their best, anyway, to persuade small countries to do precisely that, i.e., to copy Communist development methods. During the fifth plenary session of the CC of the Communist League of Yugoslavia, in May 1963, Mijalko Todorovic said:

> The wide and in the future even wider economic cooperation of Socialist Yugoslavia with the underdeveloped countries of Asia, Africa, and Southern America is, firstly and foremostly, an expression of our active coexistence and of our internationalism in practice. By cooperating with these countries, we contribute to the economic emancipation of the only just liberated, still underdeveloped countries, we help the development of the working class and intelligentsia in these countries and we contribute to the strengthening of progressive forces and tendencies in these regions.

At the same meeting, Milentije Popovic came out for supporting those movements in underdeveloped countries which are against multiparty systems and parliamentary democracy.

Among other things, the Yugoslav Communists build their trade and propaganda with underdeveloped countries on commercial credits, $330 million, which they have extended only during the past 5 years. Of course, such loans would be impossible if Yugoslavia were not herself on the receiving side of large sums from the West. Thus the West is indirectly financing Communist propaganda. As long as money and credits will be forthcoming, there is hardly any danger that Yugoslavia will reduce its business connections with the West, because she needs subsidies to support her shaky Communist economy and to make Communist propaganda of her own.

SUPPORT OF QUALITY STABILIZATION

Mr. HUMPHREY. Mr. President, I would like to call to the attention of my colleagues a recent address by my colleague, the distinguished Senator from Minnesota [Mr. McCARTHY], and a column appearing in Sunday's New York Times that testify to the wisdom of prompt and affirmative action by Congress on the quality stabilization bill, S. 774.

Recently I have encountered several statements and editorials opposing this legislation. I am one who stoutly supports a free exchange of views on matters so vital to the growth and expansion of free enterprise. I welcome honest differences of opinion if they are based on a complete and thorough understanding of the matter at issue. Unfortunately certain critical statements in regard to S. 774 have not reflected such an understanding.

Let me suggest that those persons who sincerely doubt the wisdom of the quality stabilization bill read the address, "Property Rights, Competition, and the Law," delivered by my distinguished colleague from Minnesota before the National Retail Hardware Association. This is a comprehensive, illuminating, and hard-hitting analysis of the quality stabilization bill. It contains a point-by-point refutation of the standard arguments that have been voiced in opposition to the legislation. For my money, it sets the record straight with the forthrightness and candor we associate with the junior Senator from Minnesota [Mr. McCARTHY]. I commend these remarks to every Senator.

Also on Sunday, the New York Times carried an excellent and perceptive analysis of the legislation by Herbert Koshetz entitled "The Merchant's View: Small-Business Men Again Turn Toward Legislation Against Unfair Competition." I hope that those sophisticated devotees of price cutting and discounting, who prefer to describe such ruinous marketing practices as "healthy, free competition," will study this column after reading the Senator's remarks.

Let me quote the conclusion of Mr. Koshetz' column, a conclusion that the apologists for discounters and price cutters would do well to ponder carefully:

> Those who cut prices on branded items do not do so from purely altruistic reasons. Admittedly, they are seeking to create store traffic, and know that the consumer who came to buy the cut-price item will stay to buy others that are sold at regular profits. * * * It stands to reason, therefore, that if he sells one-tenth of his goods at severely cut prices, then some part of the other nine-tenths must be marked above his average to meet his earnings requirements. The consumer buying that portion of his goods may not be getting anything resembling a bargain.

I congratulate Mr. Koshetz and the New York Times for this penetrating and nonbiased analysis of the true objectives of the quality stabilization bill.

Mr. President, I ask unanimous consent that my colleague's address before the National Retail Hardware Association and the column, "The Merchant's View," from the New York Times of July 21, 1963, be printed at this point in the RECORD.

There being no objection, the address and article were ordered to be printed in the RECORD, as follows:

PROPERTY RIGHTS, COMPETITION, AND THE LAW

(Excerpts from address of Senator EUGENE J. McCARTHY to the National Retail Hardware Association, July 16, 1963)

As a cosponsor in the Senate of the quality stabilization bill, I want to express my personal appreciation that your National Retail Hardware Association was the first national trade association to endorse this vital measure.

I believe this bill will be enacted by this Congress.

It is making real progress. It has now cleared the House Interstate and Foreign Commerce Committee with that committee's recommendation that it "do pass."

A special subcommittee of the Senate Commerce Committee has held some hearings but because of the civil rights measure these hearings have not been completed.

The problem with which this proposed legislation deals is an important one; and in the complex of laws and procedures designed to maintain some degree of justice in the field of distribution, the quality stabilization bill would fill a real need.

One of the best reasons for the Quality Stabilization Act, in my judgment, is the protection it does provide the small independent retailer. The independent retailers are one of the largest groups of individual owner-operators in the economy, and their well-being is important to our economic system and our social structure.

Quality stabilization will not give advantage to the retailer over the consumer. It will not give the retailer a subsidy. It will

not underwrite inefficiency, nor will it decrease the necessity of normal adjustment.

The proposed Quality Stabilization Act is permissive. Under its terms the Government does not impose a price—and it does not establish a Government policing system.

In a relatively simple economy, producers and buyers know one another, and often the maker and seller are the same person. As production becomes more specialized and on a large scale, the distance between the manufacturer and the ultimate consumer is greatly increased. Yet the relationship is not broken. Brand names and trademarks have economic value, and the goodwill related to them is property.

The Supreme Court of the United States has said in a unanimous decision that ownership of this goodwill for the brand name remains the property of the brand name owner when he puts that brand name into the channels of distribution. The ownership of the physical product to which the brand name is attached becomes the property of the reseller.

But the brand name—sometimes valued in the millions of dollars—remains the property of the manufacturer. This bill simply enables the brand name owner to control in limited ways how his property will be used and how it will not be abused.

The manufacturer who makes quality products and guarantees satisfaction assumes a responsibility to the consumer—and the established manufacturer is concerned with his product and its reputation even after his legal responsibility is over.

Under these circumstances it is proper to give consideration to the rights of the manufacturer, and to clarify, when the issue becomes blurred, the extent of his right to regulate such details of public presentation and sale of his product as are demonstrated to be directly related to the quality of his product.

The quality stabilization bill does this.

It was intended, and it is, a relatively simple issue. The opponents of this measure are obscuring the issue; and in doing so they are making your job, and my job as a cosponsor, that much more difficult.

Here are examples of misrepresentations by the opponents of the quality stabilization bill, along with the answers to these charges.

The charge: Products under quality stabilization will not be subject to the forces of competition.

THE ANSWER: A product under the quality stabilization law must be in "free and open competition" with goods usable for the same general purpose. Any product placed under quality stabilization will compete in price and quality (a) with other quality stabilized products, (b) with brand name products not quality stabilized, (c) with unbranded products, and (d) with private brand products of the retailer.

THE CHARGE: Quality stabilization is a price-fixing act for manufacturers.

THE ANSWER: The reason this allegation crops up is because the opponents of quality stabilization shut their eyes to a simple but fundamental distinction. To permit one manufacturer of a brand name competitive product, a mattress, for example, to control the use of his trademark, is far different than to permit all mattress manufacturers to get together and fix prices. The former is permitted under quality stabilization. The latter is not permitted under quality stabilization. The former promotes competition. The latter destroys competition.

THE CHARGE: Quality stabilization will result in higher prices to the consumer and will cost him "savings" of billions of dollars.

THE ANSWER: Although deep discounting does give the impression of savings in buying well-known brands, these savings are necessarily nullified by a higher markup on other less-known products. This is true because every store has to realize a certain minimum gross margin on total sales. Therefore, it is a gross misconception to add up the savings on specific items and project these on a nationwide basis as to the basis for claims that quality stabilization will result in higher prices to the consumer and cost him "savings" of billions of dollars.

More than one-third of the total volume of trademarked goods sold today are controlled in price all the way from manufacturer to the consumer. These are the brands of large distributors such as chain stores, mail order houses, and cooperative buying organizations. The forces of competition have kept the prices of these brands in line. The same will be true for the prices of products placed under quality stabilization.

The quality stabilization law will extend to a national brand name manufacturer distributing through independent resellers an analogous right to control the use of its brand name as Sears, Roebuck, for example, now possesses for its Kenmore line distributed through its own outlets.

THE CHARGE: Quality stabilization is a crutch for the inefficient retailer and greedy manufacturer.

THE ANSWER: The price of a quality stabilized product, like all retail prices, will be based on costs, competition, and average efficiency. The price will be on the basis of the national average cost of doing business, plus a moderate profit to the retailer. Although the overall costs of doing business may vary somewhat between retailers, the difference between stores in the same field of distribution is not substantial.

By way of analogy, the cost of doing business of individual units of a chain store system do differ, yet there is standard pricing throughout the chain. The chain reasons that the differences are so insubstantial that greater economics of distribution, and lower prices to the consumer, can be achieved through standard prices reflecting the average efficiency of all units. The same will be true for the quality stabilization manufacturer and the units of his field of distribution.

Any manufacturer using the Quality Stabilization Act will be doing so at his own peril. If his prices are too high to protect any inefficient retailer, he prices himself out of the market. If his prices are too low, only a few retailers will handle his product.

THE CHARGE: Quality stabilization is compulsory legislation.

THE ANSWER: Quality stabilization is completely voluntary—for the manufacturer, for the reseller, and for the consumer. No one can force the manufacturer to elect to use the quality stabilization law. No one can force the reseller to handle the quality stabilized product. No one can force the consumer to buy the quality stabilized product.

THE CHARGE: Quality stabilization will put the discounter out of business.

THE ANSWER: There's no reason that the discount house cannot handle trademarked products under the quality stabilization bill—so long as it respects the conditions announced by the trademark owner regarding the use of his trademark. No one can force the discount house to sell or not sell products that are quality stabilized. If it doesn't like the way any trademark owner does business, there surely will be an overwhelming number of substitute products available that will carry no quality stabilization restrictions.

THE CHARGE: Quality stabilization will lead to monopolies.

THE ANSWER: Quality stabilization is antimonopoly because it gives the small businessman a chance to survive. It enables him to compete on a realistic, fair, and equitable basis with giants. Today the giants are swallowing up the small businessman.

The truth of the marketplace is that price wars destroy competition, destroy availability of the product to the consumer, and if unchecked will lead to exactly the conclusion that the House Commerce Committee announced in its favorable report on this quality stabilization bill last year. That committee said:

"We are faced squarely with the proposition that unless the small businessman is afforded the opportunity of making a profit by enabling him to compete pricewise on nationally advertised, branded merchandise, we shall find ourselves faced in a few years with the biggest concentration of retailing in the hands of a few giant corporations that this country has ever seen. And if we permit this trend to continue, the economy of this country will suffer."

THE CHARGE: All products from soup to nuts, from aspirins to zippers, will be placed under quality stabilization.

THE ANSWER: Only trademarked products in free and open competition may be placed under quality stabilization. Those are the technical requirements. But the dynamics of the marketplace impose other practical requirements. The product must possess consumer appeal and be sold broadly through retail outlets that compete one with the other. It must be a product that lends itself to price cutting, to baiting and switching, because of its good name for high quality. It must be a product with no substantial trade-in problem. It must be a product sufficiently stable and free from deterioration to permit its maintaining a substantially uniform value. It must not be a staple sold through supermarket grocery outlets, such as coffee or other canned foods. It must not be a perishable or a highly stylized product, or seasonal merchandise.

In light of these practical marketing considerations, no one knows for sure how many products will be placed under quality stabilization. The best answer seems to be to refer to the experience under fair-trade legislation. In the heyday of fair trade, the world's largest department store, Macy's, admitted in its advertisements that less than 10 percent of the 400,000 items sold had either a price restriction or a price suggestion by the manufacturer as to its resale prices.

Therefore, as to 90 percent of its items, a store can give them away to the consumer. As to the remaining 10 percent of its items, it can remove the trademark and also give them away to the consumer. This will not be prohibited under quality stabilization so long as the store does not use the goodwill of the brand name manufacturer.

THE CHARGE: Quality stabilization will increase the cost of Government.

THE ANSWER: Not one penny will be added to the Federal budget by the enactment of the quality stabilization law. Under quality stabilization there is no Government control nor no Government agency enforcing the act.

THE CHARGE: Quality stabilization will lead to a higher rate of small business failures.

THE ANSWER: To support the above proposition, opponents of the quality stabilization bill have used a sample of about one-half of 1 percent (only 15,782 firms out of approximately 2,600,000 stretched across the whole country) to draw a completely unsupportable conclusion that resale price maintenance laws do not help small business.

They show no causal relationship between failure rates and the status of resale price maintenance laws in the various States. They give no weight to the number of businesses that disappeared without going through bankruptcy.

They ignore the varying socioeconomic factors that influence business failures and evade their responsibility to tell Congress that these factors are not the same in each of our country's States. They ignore the amount and type of commercial activity in each State, the nature of the State's economy, the population growth of the State, the

number of new businesses established in the State, the rate of failure of such new businesses.

The opponents of the quality stabilization bill have compared failure rates between fair trade States and non-fair-trade States to show that quality stabilization will lead to a higher rate of small business failures.

Ignoring all of the socioeconomic factors that must be given weight to draw a valid conclusion, the opponents with a straight face compare, for example, business failures in agricultural Nebraska with commercial New York to prove that enactment of the quality stabilization bill would hurt small business in New York. Their proof: The failure rate in 1962 in the fair trade State of New York was 116 per 10,000 firms compared with the 13 failure rate per 10,000 firms in the free trade State of Nebraska.

The truth is that there are no statistics available to either prove or disprove whether quality stabilization, or resale price maintenance laws, or fair trade, help or hurt small business. What is available and significant is expert testimony from business themselves who say that quality stabilization definitely helps small business.

THE CHARGE: Quality stabilization will encourage manufacturers to engage in price-fixing conspiracies.

THE ANSWER: If they do, they violate the Sherman Antitrust Act. And under comparable legislation, namely fair trade, years of investigation by a hostile Department of Justice and Federal Trade Commission have failed to produce even one suit charging that a manufacturer conspired with another manufacturer to fix prices on fair-traded products.

THE CHARGE: Quality stabilization puts the American consumer in a pricing straitjacket.

THE ANSWER: The consumer says "yes" or "no" to all prices, quality stabilized or not. If she does not like the quality-stabilized price, she buys a competitive product. Under quality stabilization the price must be right for the consumer or else the manufacturer will lose his market.

THE CHARGE: Quality stabilization will prevent the retailer from doing what he wants with his own property.

THE ANSWER: Everyone agrees that under the Quality Stabilization Act the retailer can remove the brand name of a product and sell the retailer's property, the physical commodity, at any price he pleases, provided he does not use the manufacturer's property—the goodwill in the brand name. When the retailer buys the brand name product, he only gets ownership of the physical commodity. He does not get property rights to the brand name's goodwill. The fact that the retailer rarely removes the brand name confirms (1) the tremendous selling force of the brand name and (2) that goodwill in a brand name represents valuable property.

THE CHARGE: Quality stabilization will hurt the small retailer because the giant store will use its private brands to take away the small retailer's customers.

THE ANSWER: Today there is no profit for either the small retailer or the giant in most national brands. The small retailer does not have the resources to develop his own private brand product. The giant does. His private brand products are priced the same in all of his stores, and the giant makes a reasonable profit on their sale.

Since the small store does not have this alternative of private brands, he must have quality stabilization. This law will enable him to use national brands to compete on a moderate profit basis with the giant store's private brands.

Those who use the private brand argument as a basis for opposing quality stabilization are in effect saying: "Don't throw the drowning man a life preserver. A bulldozer might run over him when he gets to shore."

THE CHARGE: President Kennedy will veto the quality stabilization bill even if it is passed by Congress.

THE ANSWER: The fact is that the President has indicated in no way his position.

There is no logical basis to give weight to the testimony of the Department of Justice and Federal Trade Commission as reflecting President Kennedy's position regarding the quality stabilization bill. A repeat of the traditional opposition of the Department of Justice and Federal Trade Commission was expected and is of no unusual significance. For example, both of these Government agencies strongly opposed the McGuire fair trade bill in 1952. Yet President Truman signed that bill into law.

There is nothing sacred about the opinion of the Department of Justice and the Federal Trade Commission. Theories of Government agencies do not always square with the facts of the marketplace.

You may be sure that President Kennedy is quite aware that leaders of both parties in Congress are strongly supporting the quality stabilization bill as a practical workable tool to help small business.

THE CHARGE: The quality stabilization bill is being sneaked quietly through Congress by lobbyists.

THE ANSWER: The quality stabilization bill is winning on its merits—after long and thorough and exhaustive study not only by this Congress but by preceding Congresses as well.

For example, the House Interstate and Foreign Commerce Committee recently went on record recommending that Congress "do pass" this bill. It took its action only after 6 days of hearings had been completed; only after receiving testimony and statements from more than 125 persons and organizations; only after studying a 459-page transcript of the hearings; and only after 4 days of executive sessions on this 1 bill by its 33-man committee.

Witnesses both for and against the bill represented every phase of interest: the consumer, the Government, distribution. Typical of those testifying were representatives of the Department of Justice, Federal Trade Commission, AFL–CIO, National Small Business Association, National Council of Senior Citizens, National Farmers Union, American Farm Bureau Federation, National Consumers League, American Bar Association, etc.

Similar study is being given the bill on the Senate side.

THE CHARGE: Quality stabilization is an outdated way of doing business that stands in the way of lower prices to the consumer.

THE ANSWER: Quality stabilization means more and better—not just cheaper and cheaper—goods and services for the consumer. Quality stabilization keeps open the honest and forward-looking approach to merchandising.

No one has yet developed a magic way to produce low prices—despite sensational claims advanced by some deceptive merchants. The way the American consumer gets long run low prices for quality products is through mass production and mass distribution, and not through bargain-basement merchandising.

The bargain-basement fraternity uses the device of parasitic and deceptive leader merchandising to create the illusion that it sells for lower prices than its competitiors. This type of merchandising is parasitic in that it feeds on someone else's property; namely, the good will of the manufacturer in the brand name that is used as the leader. This type of merchandising is a deceptive short cut to more business because it falsely creates the image that all other products are as low priced as the leader. The facts are otherwise, or else the store would go broke.

Most ethical American retailers have adopted the policy of one price to every customer because it is an honest way to do business. Quality stabilization, in consistency with this policy, helps the consumer—

1. By increasing production and sales, which decreases and lowers prices.
2. By encouraging ease of selection and eliminating the fear of being cheated by higher prices than the neighbor pays.
3. By honesty in pricing, because prices under quality stabilization must be realistic or else they will fail.
4. By making the product available in many outlets, thus adding convenience to shopping.
5. By enabling a manufacturer to build up to a standard of quality rather than down to a price.
6. By arresting the growth of retail monopolies which crush competitors, crush the manufacturer, and crush the consumer.
7. By preserving an opportunity for the small ethical retailer—the backbone of his community and of the free enterprise system—to sell and serve his customers.
8. By intensifying competition among manufacturers to excel.
9. By protecting the consumer from exploitation inherent in loss-leader selling.
10. By bolstering the American economy and strengthening the ability of the American quality manufacturer to compete in the world market.

We in the United States have never accepted that man should be viewed solely as an economic unit. When we have manifested proper concern for increasing our standard of living or increasing the productivity of our economy, it has generally been with the purpose of not only improving the material welfare of our citizens but also of improving their intellectual and spiritual growth, of strengthening the democratic base of our society, and of providing greater opportunity for citizens to perfect themselves as persons and to rear their families in greater dignity.

For these reasons, I am for the enactment of the quality stabilization bill.

[From the New York Times, July 21, 1963]

THE MERCHANT'S VIEW—SMALL BUSINESSMEN AGAIN TURN TOWARD LEGISLATION AGAINST UNFAIR COMPETITION

(By Herbert Koshetz)

Many independent merchants, cognizant of the growing merger trend among chain, variety, and department stores, are wondering if the antitrust laws are affording them protection against unfair competition. Their concern over their ability to stay in business has led them to back such measures as the so-called quality stabilization bill.

Essentially, this bill represents an effort to put into law—on a national scale—the right of a manufacturer to dictate the resale price of his product if he feels that in price-cutting actions, his brand name is being abused.

The bill has cleared the House Commerce Committee with a recommendation for its passage. Hearings have begun in the Senate and there is a definite feeling that it has an excellent chance of being enacted into law unless it meets with a Presidential veto. That possibility exists because of protests voiced by governmental agencies such as the Federal Trade Commission, and by consumer groups.

OPPONENTS COMPARE

Opponents of the bill compare it to fair trade legislation that presently is not vigorously enforced, although it exists in some form in 41 States.

The term "price fixing," when used to designate collusion between sellers, is generally considered anathema to American business. The concept of competition is generally

recognized as a vitalizing factor in industry. The opponents of fair trade are prone to compare the setting of a minimum price with price fixing at its worst. They say that if a retailer, through more efficient methods, can offer lower prices, they should be allowed to do so in any way they wish and without any hindrance. Discount merchants, of course, concur with this view.

Yet, it appears that there must be some check on indiscriminate price cutting if the small merchant is to survive. The question is asked whether there should be any effort to help the small distributor to survive. Would not the consumer be better served if all retail distribution was confined to large outlets only?

Students of marketing know that the basis of distribution in the United States still is in the hands of the small and medium-size retailer. The corner drug store, the neighborhood stationer, dry-goods store, butcher, baker, variety store and others, still move the greatest majority of goods into the hands of consumers.

One of the great miracles of American merchandising is availability. Thousands of items are almost immediately available in small and large communities on the shelves of merchants who have shown a willingness to invest in these goods so that they are quickly and easily obtained. Certainly a great part of retail volume consists of sales resulting from ready availability. If it were destroyed, it would follow that a very large portion of productive capacity would not be needed, and that the cost of distribution would rise considerably.

Fair trade faltered in its performance because of inability to obtain enforcement in all sections of the country. In the 1930's, many States had passed fair trade laws that prohibited the resale of products at prices below those stipulated by the vendor. In 1937, the Miller-Tydings amendment to the Sherman Act imparted Federal authority to the State fair trade laws.

This act specifically exempted contracts and agreements prescribing minimum prices on branded items from the prohibitions of the Sherman Act. It was upset, however, in 1952, by the Supreme Court. That body ruled that the Miller-Tydings amendment was limited to voluntary fair trade practices permitted by State law, and those who had not signed agreements with the seller were exempt.

Within a few months of the Supreme Court decision, the McGuire Act was passed to remedy the defects of the Miller-Tydings legislation. It amended the Federal Trade Commission Act by stipulating that nothing contained in that act or in any of the antitrust laws could render unlawful agreements prescribing minimum or stipulated prices. Moreover it specified that nonsigners were subject to price agreements.

Opponents of fair trade thereupon concentrated their attacks in State courts in an attempt to get the individual State laws declared unconstitutional or watered down through decisions declaring nonsigner agreements invalid. As a result, only 24 States enforce nonsigner agreements, while 17 have outlawed them, but still recognize signed agreements.

STORE TRAFFIC AN AIM

Those who cut prices on branded items do not do so from purely altruistic reasons. Admittedly, they are seeking to create store traffic, and know that the consumer who came to buy the cut-price item will stay to buy others that are sold at regular profits.

A retailer knows that his store will need a certain gross profit to be successful. If he is a discounter he will be counting on 25 percent of the cost price, or 33 percent of the selling price to pull him through. This means that he must get an average of these percentages on all his merchandise.

It stands to reason, therefore, that if he sells one-tenth of his goods at severely cut prices, then some part of the other nine-tenths must be marked above his average to meet his earnings requirements. The consumer buying that portion of his goods may not be getting anything resembling a bargain.

PASSAMAQUODDY TIDAL POWER PROJECT

Mrs. SMITH. Mr. President, as a Republican, I deeply regret that some have so quickly accused the latest Passamaquoddy tidal power project of being a political boondoggle with the crass political purpose of giving advantage to Democrats. I regret it because Quoddy is no more a Democratic project than it is a Republican project.

To the contrary, as far as living officials are concerned, there is more Republican support for Quoddy than Democratic support in the Maine congressional delegation and the Governor of Maine. To the contrary, as far as living officials are concerned, Republican support and action in behalf of Quoddy precedes that of Democratic sponsorship of Quoddy.

For example, Republican CLIFFORD MCINTIRE'S active sponsorship of Quoddy precedes that of Democrat EDMUND MUSKIE by several years—for Representative MCINTIRE introduced and obtained hearings by the House Foreign Affairs Committee on Quoddy legislation back in 1953—the hearings being held on July 14, 1953, more than 10 years ago.

Thus, Republican MCINTIRE, presently a member of the House Republican policy committee, was exhibiting effective support of Quoddy long before Democrat MUSKIE was—2 years before Democrat MUSKIE became Governor of Maine and 6 years before he entered Congress. In fact, this was 2 years before Democratic Secretary of the Interior Stuart Udall first came to Congress.

And I do not find anything in the records to show that President Kennedy as a Member of the House or as a Member of the Senate ever declared his support of Quoddy prior to the 1960 presidential campaign.

With Republicans having sponsored Quoddy long before Democrats Muskie, Udall, and Kennedy ever publicly expressed their own sponsorship of Quoddy, I rise in the defense of Democrats Muskie, Udall, and Kennedy and say that it is unfair to accuse them of politics on Quoddy at this time.

Unless and until they should make it an issue in the 1964 campaign by attempting to claim credit for it to the exclusion of the Republican sponsors, it is unfair to accuse them of attempting to exploit Quoddy politically. And it serves no useful purpose to charge partisan politics and impair the bipartisan support for Quoddy. Why not let the project have an opportunity to be judged on its merits instead of alleged politics?

Not only does the Quoddy project have bipartisan support from both Democrats and Republicans, but it also has very interesting support, according to an authoritative reporter, as between liberals and conservatives in the Democratic Party—both liberal Democrats like Senator MUSKIE and conservative Democrats like Senator HARRY F. BYRD of Virginia.

Mr. Floyd T. Nute, in his State house report appearing in the Westbrook, Maine, American newspaper of July 3, 1963, reported the extremely good news that "due to some clever political footwork by ED MUSKIE, Senator HARRY BYRD of Virginia will even vote for the project."

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. SMITH. Mr. President, I ask unanimous consent that I may proceed for another half minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SMITH. Mr. Nute is widely recognized in Maine as a most astute, accurate, and objective reporter on Democratic Party matters. His credentials for authoritativeness and availability to inside Democratic information are extremely impressive—and particularly in this instance—in the fact that he was the press secretary to Gov. EDMUND S. MUSKIE.

Thus, when Mr. Nute reveals that "due to some clever political footwork by ED MUSKIE, Senator HARRY BYRD, of Virginia, will even vote for the project," it is very good news to Quoddy supporters. For everyone knows how Senator HARRY FLOOD BYRD has been the champion "watchdog" in the Senate against waste—and particularly in his chairmanship of the committee guarding against nonessential expenditures by the Federal Government.

Everyone knows that Senator HARRY FLOOD BYRD would not support a political boondoggle, so how can anyone really accept the charge that Quoddy is a political boondoggle when Senator BYRD is reported to be going to vote for it by the former press secretary to Senator MUSKIE.

Surely this should lay to rest the allegations of political boondoggle made against Quoddy.

Mr. President, because of its pertinence in the matter, I ask unanimous consent that the column of Mr. Nute be placed in the body of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Westbrook American, July 3, 1963]

STATE HOUSE REPORT—EXCITING ELECTION PREDICTED

(By Floyd T. Nute)

AUGUSTA.—While everyone is enjoying a glorious Maine summer, we are going to throw a few coals on the fire and predict that the 1964 elections are going to be the most exciting that this country and this State have had in the last 100 years.

On the national scene, the most obvious piece of political reality has been either skipped over or ignored. President Kennedy is going to do what Teddy Roosevelt tried to do. He has split his party and will run on a liberal ticket—the South be damned.

This is a hard thing for a good politician to do and Kennedy is a good politician, but the incongruous alliance which Franklin Roosevelt created back in the 1930's has finally blown sky high.

We are going to make a prediction right now. Kennedy is going to take Maine in 1964. It makes no difference whether the Republicans put up GOLDWATER or Rockefeller. We were wrong on this before, but not this time.

And here on the State level, Senator ED MUSKIE is going to run on a huge, public power platform and the citizens are going to have to decide whether they want to remain a provincial, colorful State that is an economic disaster area or whether they want a major base for industry.

The Quoddy report, to be released by U.S. Interior Secretary Udall this week, will give the green light to public power for the Northeast.

This has been kicked around so long, that almost everyone here in Maine has adopted a ho-hum attitude, but the ho-hummers will soon have to make up their minds.

The Udall report will not only recommend a Quoddy-St. John River public power project, but there are understood signs in Congress that several hundred million dollars will be forthcoming. Due to some clever political footwork by ED MUSKIE, Senator HARRY BYRD, of Virginia, will even vote for the project.

But nothing can come to fruition without the support of Maine citizens. They will have to really think about this and decide whether they want to go on in the present economic state.

It is a shame that everyone cannot go abroad and see what public power has accomplished, but there is the TVA in the central southern United States: there is the power project in northern Quebec, and there is the power project on the St. Lawrance Seaway.

Where there is cheap power in large amounts, industry comes.

We say this as a fiat. The Maine Central Power Co. and the Bangor Hydro-Electric Co. will not agree on this basic principal, but we will also make another prediction.

None of the Maine private utility companies will oppose the Quoddy-St. John project when it is announced. We will tell why in another installment.

Mr. MORSE. Mr. President, I listened with interest to the distinguished Senator from Maine [Mrs. SMITH] concerning the problem she discussed in connection with the building of a great water project in Maine. I wish to associate myself with her remarks.

(At this point Mr. MANSFIELD assumed the chair as Presiding Officer.)

THE PUBLIC ACCOMMODATIONS QUESTION

Mr. PROUTY. Mr. President, this morning, at a Commerce Committee hearing, I suggested a new approach to the public accommodations question.

I have felt from the beginning that discrimination in public accommodations is the taint of slavery the 13th amendment was designed to abolish.

I believe, also, that the citizenship clause and the enforcement clause in the 14th amendment give Congress the right and the power to declare and define the incidence of citizenship.

Therefore, I shall endeavor to have the Congress approve a public accommodations bill which relies on the 13th amendment and the citizenship clause of the 14th amendment as well as the commerce clause and equal protection clause which are mentioned in the administration bill.

Dean Erwin Griswold, dean of Harvard Law School and a member of the Commission on Civil Rights, indicated that he was "impressed by this approach" and the more he thought about it the more he realized that there were court cases which would indicate the potentialities of this proposal.

Dean Griswold agreed that my proposal would not be hampered by the State action requirement that affects the due process and equal protection clauses of the 14th amendment.

JOINT RESOLUTIONS OF VERMONT LEGISLATURE ON FHA LOANS ON RESORT HOMES AND PENSION FOR WORLD WAR I VETERANS

Mr. PROUTY. Mr. President, I wish to take this opportunity to present two resolutions of the senate and house of representatives of the Vermont State Legislature. I have a great sense of pride when introducing resolutions from my State because I know they are the product of great research and abiding sincerity and ably reflect the views of the citizens of Vermont.

The first resolution relates to pensions and World War veterans and urges that Congress enact legislation granting a pension to veterans of World War I. I want to associate myself with the feeling that Congress should indeed look into this problem.

Secondly, I want to present a resolution urging a relaxation of restrictions on Federal Housing Administration loans for vacation homes. I have communicated with the FHA and understand that their present policy with regard to FHA insured mortgage loans requires that there be a substantial demand for homes to be occupied the year around.

Vermont is one of America's great recreational areas and offers recreational facilities for all seasons. Visitors to my State constantly stop in my office to express to me the beauties of Vermont in spring, summer, fall, and winter. I am constantly made cognizant of its year-round permanent appeal.

I, therefore, wish to associate myself with this resolution and urge the Federal Housing Administration to give close attention to this resolution.

I ask unanimous consent that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION RELATING TO FHA LOANS ON RESORT HOMES

Whereas the economy of the State of Vermont is greatly dependent upon recreation and the allied industry which involves the establishment of vacation homes by nonresidents; and

Whereas the ever increasing cost of labor and materials has imposed great financial burdens on those wishing to erect such vacation homes; and

Whereas the present system of financing such vacation homes is not conducive to stimulating the establishment of the vacation home industry; and

Whereas with favorable financing the vacation home industry could add several millions of dollars to our gross national product, and

Whereas the stimulation of this industry would reduce unemployment: Now, therefore, be it

Resolved by the senate and house of representatives, That the General Assembly of the State of Vermont favors the proposed easing up of restrictions on FHA loans for vacation homes; and be it further

Resolved, That the secretary of state be instructed to send a copy of this resolution to Hon. George D. Aiken, Hon. Winston L. Prouty, and Hon. Robert T. Stafford, as well as to Hon. Philip A. Brownstein, Commissioner of the Federal Housing Administration.

JOINT RESOLUTION RELATING TO PENSION FOR WORLD WAR I VETERANS

Whereas the national policy of the United States concerning veterans of the United States has been to grant assistance to them in their declining years by a pension in consideration of their military services in defense of our country; and

Whereas there has been no general pension granted to veterans of World War I by the United States: Now, therefore, be it

Resolved by the senate and house of representatives, That the General Assembly of the State of Vermont hereby urges the Congress of the United States to enact legislation granting a pension to veterans of World War I comparable to grants to veterans of American wars prior to World War I; and be it further

Resolved, That copies of this resolution be sent forthwith by the secretary of state of Vermont to the President of the United States, to the Presiding Officers of each branch of the Congress, and to the Members thereof from the State of Vermont.

HUMAN RIGHTS AND CIVIL RIGHTS ADDRESS BY VICE PRESIDENT OF THE UNITED STATES

Mr. MORSE. Mr. President, on Memorial Day this year the Vice President of the United States, at Gettysburg, made what I thought at the time was one of the truly great speeches of this generation on the subject of human rights and civil rights. Last night, at the Governors' conference in Florida, he made an equally great speech, in my judgment, and I rise to compliment him, for he lifted the issue, as it ought to be lifted and kept, high above the level of partisan politics; and he very properly pointed out to the Governors, Democrats and Republicans alike, that this is not a partisan issue, but a national issue. I think he again distinguished himself in his speech at the Governors' conference.

I ask unanimous consent that it be inserted in the RECORD at this point.

Without objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY VICE PRESIDENT LYNDON B. JOHNSON, GOVERNORS' CONFERENCE, MIAMI BEACH, FLA., JULY 23, 1963

One hundred seventy-six years ago, our Constitution anticipated our many differences of section, State, and philosophy. That Constitution was ordained and established in the faith that those many differences would be overcome in a single will to unite—to unite as Americans, knowing no North, no South, no East, no West; favoring no creed, despising no color, and holding against no individual any condition of his birth or ancestry.

In that same faith, I come to speak tonight—not of those differences among us

which will eventually pass, but of that higher unity which will inevitably prevail.

I know it is not the fashion at present in some quarters to speak hopefully or confidently of the future. Despair, despondency, and defeatism have their disciples among us. But I cannot accept the proposition that hope is wishful or innocent. It is defeatism that is naive. For this generation of Americans, at this moment in our national history, optimism is the only true realism.

In the world and at home, we are beset with old, difficult, and continuing problems. Old perils remain. Old challenges still confront us. The fact of this year of 1963 is that—both abroad and at home—new breezes have begun to blow and we are sailing now with a favoring wind.

In the world, this year of 1963 is developing as a year of unusual portent and significance. For the first time since the beginning of the cold war, there are omens of change in the climate between East and West.

New forces are at work behind the Iron Curtain.

Profound changes are developing in relations among members of the Communist bloc.

New attitudes toward dealings with the West are being manifested by the principal nation of the Communist bloc.

On the basis of present evidence, no man can responsibly imply that the millennium is at hand in relations between East and West or in the success of freedom's cause. But no responsible man will insist that we keep the door closed against the opportunities which seem to be opening. It is a tragic perversion of American leadership—and a betrayal of American character—to ask the people to greet with suspicion any talk of peace and to greet with applause all talk of war.

We sit honorably at the negotiating tables today instead of standing anxiously at the nuclear brink not because we have accommodated the adversaries of our system, but because we have refused to accommodate them—in Greece and Turkey, in Iran and Italy, in Western Europe and West Berlin, South Korea and South Vietnam.

Communism's designs have been repulsed in the Middle East, rejected in Africa, repelled in southeast Asia and forced into retreat from Latin America. Of the six guerrilla wars launched by communism, five have ended in defeat of Communist forces and in the sixth, American support is turning the tide in Vietnam.

Communism's one desperate effort last October to escape the ring of containment by establishing missile bases in this hemisphere ended in a historic retreat—a retreat which history may mark as the vital turning point of the entire cold war.

Furthermore, let it not be forgotten that since the start of the cold war, more than 50 new nations have come into being—and not one has chosen communism. But many have adopted as their own, the concepts and forms and even the language of our own constitutional system.

In the world of today, we must recognize that the winds and the waves are with us. This is the time for us to steer straight and true toward the horizons we have for so long hoped to reach.

But we should also recognize that favoring winds are rising at home. Our record in space is a prime example. We started late. We moved too slowly at first. But the record shows now that where the Soviet Union has successfully launched 43 payloads into orbit, the United States has launched 144. Our ratio of successes to failures in launchings prior to 1961 was only 1 to 1—but it has now reached the ratio of 5 to 1.

The Soviet continues its lead in the ability to launch heavier weights into space. But we are pulling far ahead in developing practical uses of space with weather, communication, and navigation satellites.

We are not racing for prestige in space. We are engaged in a deadly serious race for peace—and for control of our own destiny. This is a race freemen must win.

As we act to grow stronger in space, we are also acting to grow stronger on earth. Since January 1961, we have increased our nuclear warheads in the strategic alert forces by 100 percent; our ship construction and conversion to modernize the fleet by 100 percent; our special forces trained to deal with threats of guerrilla warfare by 200 percent; our airlift capability by 60 percent; our number of combat-ready Army divisions by 45 percent; and our number of tactical air squadrons by 30 percent.

We have increased the muscle of our defenses while trimming away the fat. During the fiscal year of 1963, savings of more than $1 billion were realized in the Defense Department through improvements in operating efficiency. As these improvements continue to take effect, we can look forward to savings by 1967 of nearly $4 billion a year.

Achievements such as these are coming on impressively. But in our domestic economy, too, the favoring winds are blowing briskly.

Since January 1961 our gross national product has risen from $500 billion to $580 billion, up 16 percent. Personal income has risen from $400 billion to a record annual rate last month of $462 billion, up 15 percent.

Corporation profits are up from $39 billion to $53 billion—a gain of 36 percent.

Employment has for the first time in the history of the Nation passed 70 million jobs.

Average weekly wages for factory workers have for the first time in the history of the Nation passed $100.

Farm income last year was up more than $1 billion over 1960—a gain of 11 percent.

This economic expansion has come with consumer prices holding comparatively stable while wholesale prices and industrial prices have actually declined. Moreover, as a consequence of this expansion, the flow of revenue to the Treasury has increased so that the cash deficit for the last fiscal year is only half as large as estimated 6 months ago.

What does this mean for us? I believe the answer is self-evident. Now, while the favoring winds are with us, we should be doing those difficult things which responsibility demands that we do to perfect our system.

That list is long. Many of the items upon it are old: education, unemployment, medicare for the aged, retraining of displaced workers, redevelopment of depressed regions, renewal of blighted cities, revitalizing the family farms, conserving our forest and soil, developing our water resources, curing the problems of mass transit, overcoming the congestion of our city streets.

America is not a nation with its work all done. America is a nation in which much of the most vital work has not yet begun. The demands of the future press down upon us.

Every day, our population over 65 increases by 1,000.

Every day, our population of 16-year-olds increases by 3,000.

Every day, our school-age population grows by nearly 5,000.

Every day, our need for new jobs increases by more than 7,000.

If we are to meet the human needs and the humane obligations of our future, we must move today—while the winds are favoring us—to stimulate our economy, reduce our excessive tax rate, that in some cases is practically confiscatory, overcome the drain on our balance of payments, and restore our national fiscal house to order.

But we remember at all times that governments are not instituted among freemen merely to make budgets and balance them or levy taxes and collect them.

If we are to meet the tests of our future, our foremost challenge is to face and dispose of the problem of human rights which has burdened and compromised our society for 100 years—the problem of the inequality of our Negro citizens.

In saying this, I could not be more aware than I am of the many views of the question represented by this audience—or, in turn, by the people each of you represents.

To some, the issue is "human rights." To others, it is "property rights." Some say, "Negro rights." Others say, "white rights." Some say, "States rights." Others say, "moral rights." The descriptions vary. Slogans are many.

But let us strip away the slogans, the descriptions, the cliches and labels. What is it that we must do? We must attack the "wrongs" in our society—not the "rights."

Whatever the legalisms or traditions, it is wrong that tax-paying, arms-bearing, vote-casting Americans should be unable to find a bed for the night or meals for their children along the highways of our free and decent society. Whatever the reasons, it is wrong that Americans who fight alongside other Americans in war should not be able to work alongside the same Americans, wash up alongside them, eat alongside them, win promotions alongside them, or send their children to sit in schools alongside children of other Americans.

I know of no valid right in our system which is jeopardized or compromised or weakened by correcting the wrongs which we know exist among us. On the other hand, I would suggest that the human rights and property rights of all of us will be strengthened and protected by ending the corrosion of these wrongs.

When I first entered the Senate, Arizona's Senator CARL HAYDEN told me there were two kinds of public officials: show horses and workhorses, talkers and doers.

This question will be answered by the workhorses and by the doers, by those who remove the beam from their own eye before concerning themselves with the mote—or the beam—in the eye of others.

This is not a regional problem, but a national problem.

Men who were denied the right to work last week on a Harlem hospital being built with public funds can understand the plight of their brother in a Birmingham cafe. Discrimination is not confined to the smaller community of Danville, but infects Metropolitan Philadelphia as well. The problem is in Brooklyn and Baltimore, in Charleston and Chicago, in San Antonio and Santa Fe.

In the room in the White House where Jane Adams hung out her wash, the President has talked with labor leaders and businessmen; with Governors and mayors; with editors and women leaders; with educators and Negro leaders. No President in my 30 years of life in Washington has met with so many Governors as has President Kennedy in his search for a solution to the civil rights problem.

Among the people, there is a will to resolve this issue—not prolong it. It is especially noteworthy that throughout the Nation—especially in some of the most difficult States and cities—newspapermen from editors to deskmen are showing the highest order of responsibility and constructiveness.

Americans such as these are doing the workhorse jobs. They are getting results quietly but effectively. Two hundred of the five hundred largest cities in the Southern and Border States—nearly half of them—have taken affirmative action on local public accommodations problems. Right in Miami outstanding progress has been made in a

short time by the efforts of ministers and medical society members and department store owners and county commissioners and union leaders.

The trust of public leaders will not be kept by exploiting the issue for partisan ends or discouraging its resolution for personal advantage.

American politics must not be less responsible than the electorate it serves. There can be no Democratic or Republican answer, no White House answer or statehouse answer, no 1964 answer or 1968 answer—but only a responsible American answer achieved by all of us, at all levels, working together all of the time for and with the people.

Let us recognize this one thing: While the Negro has long been the object of studied neglect, many of the conditions he protests today are blind to color. If the Negro is now the first victim, he will not be the last if we fail to cure the ills within our society—of underemployment, undereducation, underdevelopment of our potential, underuse of our productive capacity.

We are moving now with a favoring wind behind us in the world and at home. If we are to resolve these problems within our society, we must act now before those winds fall or change to blow against us.

In response to the challenge before our Nation now, some say "now"; others say "never." But the clear response of the American majority is "together"—together, for there is no other way.

Mr. HART subsequently said: Mr. President, when the senior Senator from Oregon [Mr. MORSE] addressed the Senate and obtained consent to have printed in the RECORD the speech the Vice President made yesterday at the Governors' conference in Miami, I did not have—unfortunately—an opportunity to speak immediately following his remarks. At this time, I wish to express my pleasure because of the fact that the Senator from Oregon brought to our attention and—through insertion in the RECORD of the Vice President's speech—to the attention of the people of the Nation that most eloquent expression by the Vice President of aspiration and conviction.

Several weeks ago, when the Vice President spoke at Gettysburg, many of us felt that his speech was as eloquent as any which we could recall having heard. None of us felt it likely that the Vice President could follow it—certainly not so soon as this—with an equally persuasive documentation of the case for civil rights. However, I think the speech delivered yesterday by the Vice President at Miami rang the same bell which he rang at Gettysburg—a bell which I believe is alerting the Nation to the need for Congress to respond constructively to the President's admonitions in regard to civil rights legislation.

Mr. HUMPHREY. Mr. President, I join the Senator from Michigan in his commendation of the Vice President for his magnificent leadership in the area of civil rights and civil liberties.

REDUCTIONS MADE IN COMMITTEE IN THE FOREIGN AID BILL

Mr. CHURCH. Mr. President, I am gratified by the action of the Foreign Relations Committee yesterday in accepting an amendment, moved by me, to cut from the foreign aid program all further grant assistance, military and economic, to countries capable of sustaining their defense burden and economic growth.

For me personally, this is the culmination of a 4-year effort to put an end to handouts to the prosperous countries of Western Europe, and to Japan, which totaled, in fiscal year 1962, nearly $400 million. During this time, I have said repeatedly that the American people cannot be expected to support the aid programs unless they can see that an end is in sight. In fiscal 1962, the list of recipient countries totaled 107. As a result of this amendment, regular reductions in this list should begin by the end of the coming fiscal year.

Mr. President, I wish at this time to extend my special thanks to the Senators who helped prepare the way for yesterday's committee action by cosponsoring or pledging support to my amendment.

I know that each of them shares my satisfaction that a hard job is at last completed.

THE ATLANTIC FUTURE: EUROPE'S CHOICE

Mr. CHURCH. Mr. President, it was my privilege to be invited, together with Senators EUGENE MCCARTHY, of Minnesota, and HUGH SCOTT, of Pennsylvania, to participate in the summer seminar of the political club of the Evangelical Academy at Tutzing, Bavaria, conducted under the sponsorship of the Lutheran Church. The political club was established after World War II for the purpose of fostering informed citizen interest and involvement in the processes of free government in West Germany.

This year marked the club's 10th anniversary meeting. Among those participating were Chancellor Konrad Adenauer and Dr. Willy Brandt, mayor of West Berlin.

I am advised that my address, delivered on July 16, 1963, will be published in Europa-Archiv, the German journal on foreign affairs. Inasmuch as I spoke to the question, "The Atlantic Future: Europe's Choice," which is a matter of prime concern to the Congress, I ask unanimous consent that the text of my remarks may be published at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE ATLANTIC FUTURE: EUROPE'S CHOICE

(Address delivered by U.S. Senator FRANK CHURCH, on July 16, 1963, before the Political Club of the Evangelical Academy at Tutzing, Bavaria, Germany)

You have honored me with your invitation to speak at this 10th anniversary meeting of the political club at Tutzing Academy, and I should like to reciprocate by giving you a frank statement of my views concerning the future of the treaty which has linked us so closely together. In doing so, I must emphasize that I speak solely in my capacity as an individual citizen. Although I am a member of the Senate Foreign Relations Committee, nothing that I say today should be construed as an expression of the official viewpoint of my Government. I am here to state my personal opinions, nothing more.

We meet at a time of change and crisis in the Atlantic Community, and in the North Atlantic Treaty Organization which has been its sword and shield.

Everyone agrees, on both sides of the Atlantic, as to the fact that a crisis exists. Yet there is a paradox in this, for it is the very success of NATO in accomplishing its original objectives which has led to the present impasse.

NATO was originally established to prevent Western Europe, the heartland of our common civilization, from falling under Russian rule. From the beginning, NATO's shield included large numbers of American troops, whose presence in Europe was proof of the American commitment to invoke her nuclear power, as NATO's sword, in the event of a Communist attack. American arms of both conventional and nuclear character were required to make NATO work, that is, to keep the Russians at bay while the countries of Western Europe, battered and broken in the aftermath of the war, could regain their health and strength.

I do not believe that either the Senate of the United States, which ratified the treaty, or the American people, regarded our entry into NATO as an arrangement for stationing American forces permanently in Europe. Firemen are welcomed into a household threatened by fire, but they are not expected to remain inside indefinitely as residents. So it ought not to be surprising—in view of the remarkable recovery in Western Europe which has since occurred—that some Europeans should begin to ask, "How much longer are the Americans to stay here?" or that some Americans should begin to inquire, "How much longer will we be welcome?"

We have come to the end of the era for which NATO was first created. The circumstances have changed. We must remold our alliance to fit present conditions, or the crisis within it will deepen. NATO cannot remain static and stay relevant; it must be transformed or abandoned; it will adapt to the new era as a useful instrument to serve the objectives we hold in common, or it will come apart from the stress of mounting internal pressures. So we must clearly identify those changes in circumstances which have rendered NATO, as originally conceived, obsolete.

To begin with, there has been a change in the relative strength, and hence in the credibility, of the American nuclear deterrent. This change has taken place in three phases. In the first phase, only the United States possessed massive strike capability with nuclear weapons. The Soviet Union could oppose us with conventional land power alone. Our deterrent was believable, and therefore effective, so long as the Soviets in fact understood that it would be used to prevent, or to punish intolerably, a march by them on the West. In the second phase, the Soviets, too, possessed weapons of mass destruction. But the ones which could reach and damage the American Continent were few in number, and vulnerable to neutralization by the enormously superior and diversified nuclear weapons system which we had by then developed. While the risks to the United States had been greatly increased, there was room to suppose that we could, if necessary, obliterate Soviet power without suffering mortal damage in return. Now in the third, and present phase, this assumption can no longer be made. Each side possesses weapons, sufficient in number, in diversification, in concealment, or in invulnerability, to insure that it could withstand a first strike by its adversary and thereafter inflict nearly total destruction upon him.

The consequence of this third phase is that Europeans must ask themselves, for the first time, if it is really believable that the American Nation would suffer immolation in their defense. And the question is not whether we, the Americans, believe that we would do this, or whether you, the Europeans, believe we would do it. For it is evident that a deterrent has failed if it has to be used, and it follows from this that it is only

the adversary's belief about the conditions under which it would be used, not our belief, or yours, or even the objective fact itself, which is ultimately determinative.

I know of no way to remove, absolutely, the doubts which some Europeans have raised about the answer to this question. The cornerstone of American policy has been, and remains, that the defense of the West is indivisible. Our President has recently reaffirmed, here in Germany, that our forces will remain so long as they are wanted and needed; that we will put our cities to the hazard in defense of yours. He spoke, as I am sure you sensed, with absolute sincerity and conviction, and with the support of the American people. Still, the proposition itself is without precedent in human history. It cannot be tested or proved in advance. While it may be convincing to the Soviets, it evidently is no longer convincing to all Europeans, for, if it were, there would be no need to pursue, in France, the effort now in progress to create, at great difficulty and expense, a separate national nuclear capability.

This brings me to the second fundamental change in circumstances which accounts for the crisis in NATO. It is that Europe now has, for the first time, the capacity to create for itself an alternative to reliance upon American power. I make a distinction here between nuclear capability of modest dimensions, useful chiefly as a means of augmenting the prestige or bargaining power of its possessor—perhaps having the potential of invoking, under some conditions, the use of American power—and a genuine nuclear deterrent, capable of massive or controlled response in a variety of strategic situations. It is the latter which free Europe now has the population, the economic base, the technological resources, and the developing political institutions to create and command, if it chooses. In most of these categories, Western Europe now surpasses the Soviet Union itself. If Europe determines that the effort is necessary or desirable, it can, in due course, equip itself to match the Soviet Union, bomb for bomb, rocket for rocket. It would then, of course, be free from the necessity for dependence upon a nuclear deterrent provided and controlled by the United States.

The present drift in free Europe points toward the eventual development of separate national nuclear systems, even though this course represents the most unstable, costly, and inefficient method for achieving nuclear self-sufficiency. Perhaps this is inevitable, as long as Western Europe remains a loose association of wholly sovereign states. The possession of nuclear weapons cannot be separated from the sovereign power to command them, for they represent, in today's world, the instrument of life or death, for the country which has them, for its adversaries and, quite probably, for its allies.

What I have thus far said carries the implication that there is an inherent incompatibility, in this new state of affairs, between sovereignty, if sovereignty necessarily involves possession and control of nuclear weapons, and alliance. I think this is the case, and that this single concept summarizes and explains the reasons for the crisis in NATO.

The continued expansion in Europe of nuclear capability under national control will expose the United States to intolerable risks, so long as our troops are here, and our commitment to regard any attack upon our European allies as an attack upon ourselves is outstanding. Every additional finger upon the nuclear trigger means, in these circumstances, one more person, other than the President of the United States, with power to decide what Americans will die for. While the risks involved in sharing this fateful power with a single independent European state, or with a suitable command structure representing all of Europe, might be acceptable, it is too much to ask that we share it with every European country stocking a nuclear arsenal of its own, each with its own sense of destiny and order of priorities.

In short, the present drift toward proliferation in the control of nuclear weapons, unless it is checked, will eventually force the United States to withdraw from Europe. Time is running out on the NATO alliance. No amount of exhortation will save it.

What then, of the future? How are we to reconcile the conflicting positions on control of nuclear weapons which now plague the alliance? I think we must begin by recognizing that no device or technical arrangement designed to gloss over the differences, without really changing anything, will suffice. As strongly as De Gaulle feels that France must have its own deterrent, we feel just as strongly that we must retain control over the risks to which we are exposed, so long as American forces are committed in Europe, and we supply the nuclear means for meeting or preventing an attack against it. It is possible to share the master plan for programing and targeting, but the core decisions about the use of American nuclear weapons must be made by Americans.

I think there are, however, alternative solutions to the problem. The first is for Europe—not France, or Germany, or even Great Britain, but Europe—to undertake a unified effort to arm itself with a genuine nuclear deterrent capability. To do this would require a genuinely integrated program, not merely because of the expense, but chiefly because it would be necessary to create a unified command structure with the sovereign power to invoke the use of its nuclear weapons in the defense of Western Europe. It seems to me that it would be in the interest of the United States to encourage and assist Europeans to make this effort. We could then withdraw our forces from the continent in an orderly fashion, leaving Europe with its own defense, and both Europe and America could thus minimize the risks inherent in the proliferation of separate national defenses.

This course need not involve, as might first be supposed, a return to isolationism on the part of the United States. On the contrary, the creation of a European entity capable of producing and commanding a unified European nuclear deterrent could contribute to the realization of a stronger partnership, spanning the Atlantic, for the defense and development of our common civilization. I say it could contribute, because partnership is illusory if one partner is in a position to dominate the others. Just as there can be no authentic European entity under the hegemony of France, so there can be no equal partnership across the Atlantic until Europe has achieved cohesion to match and balance the unified power of the United States. In addition to this crucial advantage, there would be others, incidental to the assumption by Europe of full responsibility for its own defense. The American adverse balance of payments problem would then lend itself to ready solution. It is entirely possible, also, that the vexing problems resulting from the artificial division of Europe between East and West, which do not seem amenable to negotiations between Washington and the Kremlin, could be approached from new perspectives by Europeans negotiating with Europeans.

If the problem of a sovereign, integrated European Nuclear Defense Command proves to be insuperable, and this further step toward a more perfect union among the countries of Western Europe is not taken, there is the other alternative. Let Europe forgo nuclear armament, and continue, so long as the cold war makes it necessary, to rely upon the United States to furnish the nuclear deterrent against a Soviet attack upon the continent.

From our national point of view, this alternative is to be preferred, but I think, if we Americans are to be Europe's nuclear sentinels, stationed here for indefinite duty, then we have a right to ask for fairer arrangements and a clearer understanding.

Let it be understood that we are here as your invited guests, not as intruders; that our presence in Europe is no longer a rescue mission, extended by the strong to the weak, but simply a division of responsibility, as between rich equals, for the mutual advantage of each. If we furnish our nuclear deterrent for the defense of Europe, as well as our physical presence to make this deterrent convincing to the Soviets, then Europe must make their exchange, including at least:

1. No further diffusion of nuclear arms, for this will involve intolerable risks, both to us and to Europe itself. If we are to have the responsibility for holding at bay the weapons of mass destruction which might otherwise be used to smash or blackmail Europeans, we must ask that you rely on us to honor that trust in our common interest, come what may.

2. Equitable financial and economic arrangements to assist us in solving our adverse balance-of-payments problem. In this connection, it is notable that our military disbursements abroad contribute five times as much to the drain on our dollar resources as do all of our foreign aid programs. There is no good reason why the force levels of American troops quartered in Europe should not be reduced, and the difference made up by an added commitment of European troops to the NATO Command. It is essential, too, that European trade barriers against American agricultural and industrial products, be reduced or removed as speedily as possible. Finally, we have a right to ask that Europe assume an increased share of the cost of aiding the underdeveloped countries of the world, in those needy regions of Africa, Asia, and Latin America, where the struggle with communism is yet to be won.

There are heavy burdens and responsibilities, for Europeans as well as for Americans, whichever alternative is chosen. And the choice, after all, is Europe's. Either would seem acceptable to the United States. What is not acceptable is a continuation of present trends, which point, I am sorry to say, toward the disintegration of the Atlantic Alliance, leaving a vacuum of policy and power, with diminished security for us all. Happily, the successes we have enjoyed, during the past 20 years, in meeting and solving together a series of formidable problems, augers well for our ability to find, in the years ahead, ways to achieve a constructive transition from NATO to genuine partnership in a developing Atlantic Community.

TRIBUTE TO THE MORMON PIONEERS

Mr. CHURCH. Mr. President, in this, Idaho's centennial year, the people of my State pause to join their sister State of Utah in paying tribute to the Mormon pioneers on the 116th anniversary of their arrival at the valley of the Great Salt Lake.

It was on July 24, 1847, that Brigham Young led his little band of Mormons into the Salt Lake Valley and declared, "This is the place." Behind them the Mormons left a past filled with persecution. This had culminated in the murder of their founder and prophet, Joseph Smith, in 1844. It was to escape such persecution and intolerance, to establish a home where they could practice their religion freely and raise their children to worship God as they believed, that the Mormons came west.

In a relatively short period of time, the Mormons had turned the desert into a blooming, fertile farmland. Patient hard work, skillful use of irrigation methods, and endurance born of deep religious faith, enabled the members of the Church of the Latter-day Saints to turn the desert into a home.

An important feature of the Mormon government was religious tolerance. Any man, Mormon or gentile, was free to worship as he pleased. Thus these pioneers, accustomed to being persecuted for their religious beliefs, established a territory wherein every man was to be free of religious persecution.

But persecution of the Mormons did not cease with the establishment of the colony at Salt Lake. In 1848, gold was discovered in California. The Mormons themselves did not catch the gold fever, preferring to remain on their own lands, tilling and irrigating their farms. But swarms of men on their way to the California gold fields passed through Utah, harassing the Mormon settlers. Then, in 1857, the U.S. Government began a shameful chapter in its history when it sent Johnston's Army to Utah to punish the Mormons. This persecution continued throughout the latter half of the 19th century. But in spite of persecution, hardship, and drought, the Mormons maintained their hard-won homeland and began to expand beyond the borders of Utah.

In 1855, Mormon settlers under Thomas B. Smith pushed northward and founded Fort Lemhi, the first major attempt at settlement in my own State of Idaho. In 1860, Mormons established Idaho's first permanent settlement at Franklin, and the second, at Weston, in 1862. Thus, even before the waves of gold seekers poured into Idaho, Mormon pioneers had established settlements in the territory.

Idaho at this time was part of Washington Territory. After the discovery of gold in the Clearwater region by Capt. Elias Davidson Pierce in 1860, men flocked to the Idaho goldfields from California, Nevada, Oregon, and Washington territory. Soon after this, gold was discovered in the Boise Basin, in the Salmon River country, and in the Owyhee and Bannock districts. The territory was rapidly populated and it soon became difficult to govern from the territorial capital at Olympia. It became clear to many that a new territory would have to be created which would include the goldfields east of the Cascades. And so, in 1863, the move for creation of the new territory reached full swing.

During the final days of the "lame duck" session of the 37th Congress, the territory of Idaho was created. Senator Henry Wilson, of Massachusetts, led the fight for passage of the organic act and caused the territory to be given the name "Idaho," which, freely translated, meant "the gem of the mountains." On March 3, 1863, both Houses of Congress passed the bill creating Idaho Territory. President Lincoln signed it into law, and Idaho had passed a milestone on her way to statehood.

It is significant that Idaho was peopled largely from the West—by miners from the goldfields of California, by farmers from Oregon and Washington, and by the Mormon settlers from Utah. In sharp contrast to the rugged and often lawless mining camps, the Mormon settlements in Idaho were stable and peaceful communities which exerted a beneficial influence on the life of the new territory. Law and order, stable government, and permanent agricultural settlements were the legacies of the early Mormons in Idaho.

Today, 100 years after Idaho became a territory and 73 years after she became a State, the Mormons continue to exert a powerful and beneficial influence in Idaho and throughout the Nation. Many of Idaho's leaders in government, in business, and in community affairs are members of the Latter-day Saints Church. Nor is this characteristic only of Mormons in Idaho or Utah, for members of the Latter-day Saints faith all over the United States exercise similar influence in affairs of business and State.

Here in the U.S. Senate, three of our colleagues are members of the Church of Latter-day Saints. Members of the Latter-day Saints faith hold seats in the House of Representatives. Others are serving or have served as Secretary of Agriculture, Secretary of Interior, Chairman of the Federal Reserve Board, Treasurer of the United States, and U.S. Commissioner of Education.

Mormons have also distinguished themselves in the arts, in the field of entertainment, and in the world of sports, as well as in many other facets of American life.

The Mormon church is almost unique among Christian bodies in that it maintains a nonpaid clergy, deriving its church officials from among its members. As the Bible urges all Christians to do, Mormons tithe, giving 10 percent of their income before taxes to the church. Mormons are equally active in missionary work, with many young men and women of the Latter-day Saints giving up 2 years for voluntary missionary work both in America and in other lands. The Latter-day Saints Church maintains a youth organization known as the Mutual Improvement Association. This offers Mormon young people a combination social organization and personal improvement group, teaching them to speak well, to deal with people, and to lead better lives.

Thus, 100 years after the founding of the Territory of Idaho, the people of Idaho pay tribute to the contributions of the Mormons to our State and to our Nation. One hundred and sixteen years ago, Brigham Young and his hardy little band of Mormon pioneers arrived at the Great Salt Lake. Little could those men and women have then known the influence they would wield, or the benefits they would bring, to the mountainous land to the north—to the State of Idaho.

RACE RELATIONS

Mr. CHURCH. Mr. President, the June 10 issue of the New Leader contains an article on the President's role in the crisis of race relations, entitled, "A Chance for Greatness," by Karl E. Meyer, of the Washington Post.

At the end of this article, Mr. Meyer says that "great business now beckons to President Kennedy." Earlier in the article, the point is made that "technology is not what differentiates America from the Soviet Union." Mr. Meyer adds:

> Indeed, the United States has fallen into a Soviet trap by letting ideological competition focus on gadgetry, and the Negro has given his country a chance to get out of the trap. The question that the racial revolt, North and South, poses is whether the majority of Americans can rededicate themselves to some purpose more ennobling than supremacy in supermarkets, superhighways, and superbombs.

I share this conviction, Mr. President, and I ask that the article to which I have referred be printed in full at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CHANCE FOR GREATNESS

(By Karl E. Meyer)

WASHINGTON.—In a speech that was widely quoted in the Capital last week, Secretary of State Rusk spoke of the "deep injury" that racial injustice was inflicting on America's world standing. "Our voice is muted," he said, "our friends are embarrassed, and our enemies gleeful because we have not really put our hands fully and effectively to this problem at every level of our national life." Because of this, Rusk continued, American diplomats must conduct foreign policy as if they were in a foot race with one leg in a cast.

Yet as one reflects on the meaning of today's Negro revolt, it is possible to argue quite the reverse proposition. In the process of freeing himself, the American Negro may shake his own society out of the complacent torpor—indeed, the sleeping sickness—that is the pervasive national malady. If he can reawaken the dormant radical tradition in American life, the Negro could give a greater lift to national prestige than any conceivable feat in outer space. There are signs that a miracle of this magnitude might occur.

Not since the economic collapse of the 1930's has any domestic crisis so shaken the country. No longer the invisible man, the Negro has chased Cuba and Laos off the front page and forced his countrymen to confront an evil within remedial range. Magazines are thrusting deeper; not long ago, the New Yorker published James Baldwin's cry of despair—an essay on being black that has become the manifesto of a minority—and last month Life creditably ran a report by a Negro journalist on the Black Muslims that was free from the usual cliches.

It is difficult, too, to overstate the effect of television. The coaxial cable has made the country a single community and virtually every evening the news programs carry film footage that makes comment superfluous. An example was a report the other day on a sit-in demonstration in a Mississippi department store in which Negroes were dragged from a lunch counter and were stamped upon or had catsup squirted on their heads. This is a passion play with a hundred million witnesses—for once, one is grateful for television.

The word passion can be used in a double sense. No quality has been more absent from national politics, and in Washington one can feel the tingling of a long-sleeping limb. A fortnight ago, Attorney General Robert Kennedy had his now-famous encounter in a New York apartment with a group of Negroes rounded up by James Baldwin. The President's brother was shocked by the depth of passion. "He didn't get the point," Baldwin said afterward. "He was

naive. He doesn't know pain. He just doesn't know."

The Kennedys are learning. The President is moving with a tide that may take him in directions hitherto uncongenial to his temper. This is the kind of problem that does not yield simply to adroit managerialism—and yet the White House has grounds for gratification. It has been the standing complaint that a lack of urgency in national opinion has tied the President's hands. There is now no lack of urgency; President Kennedy has come to a Finland Station in which the momentum of events can be influenced by his own leadership.

One path ahead, clearly, is legislative. Civil rights measures which a few months ago were considered unobtainable are now given chance of passage in Congress. The administration is belatedly presenting proposals that would broaden Federal authority in dealing with demonstrations against segregation in stores, theaters, hotels, and restaurants. This would finally ease the unfair burden placed on the courts, which, by virtue of political paralysis, have been forced to preside over a piecemeal social revolution and take the full brunt of the segregationist attack.

But a change of laws can only work if there is a change of heart, and here President Kennedy meets the more exacting test. He must be able to articulate the Negro cause in a way that makes change seem not only necessary but also wholly just. Thus far, he has dealt circumspectly with the race question, stressing the need for law and order and for community responsibility. Yet without being preachy, the President must surely use the pulpit of his office for a series of addresses modeled in the tradition of Lincoln (and not, for a change, of Churchill).

If Kennedy succeeds, his Presidency may prove more memorable than anyone dared to hope. One has the impression that a country sated with material wealth is ready for an appeal to the radical ideas of equality charted in the Declaration of Independence and sustained in a Civil War. A response to this appeal could be more decisive in foreign affairs than any grisly weapon the Pentagon could concoct. "In the final analysis," President Kennedy wisely observed before his election, "our foreign policy, our relations with other countries, will be most affected by what we do here in the United States. It was Franklin Roosevelt's compassionate actions here at home that built his great reputation abroad. What we are speaks much louder than what we say."

Hence one can argue that the Negro revolt in America is as much a national opportunity as a handicap. It opens a field for the compassionate action of a Roosevelt. A confirming statement comes from an unexpected source, Premier Sékou Touré, an African nationalist who is nobody's puppet. Asked in Ethiopia about the Birmingham riots, Premier Touré replied: "We cannot say that the American people are racists—racism exists everywhere, even in Guinea. We know that in the United States a fight is being organized by the government of President Kennedy. We approve without reserve of this policy by President Kennedy."

No American astronaut could elicit the same tribute; technology is not what differentiates America from the Soviet Union. Indeed, the United States has fallen into a Soviet trap by letting ideological competition focus on gadgetry—and the Negro has given his country a chance to get out of the trap. The question that the racial revolt, North and South, poses is whether the majority of Americans can rededicate themselves to some purpose more ennobling than supremacy in supermarkets, superhighways, and superbombs.

"We talk about ourselves these days," Walter Lippmann wrote a few years ago, "as if we were a completed society, one which has achieved its purposes and has no further great business to transact." Great business now beckons to President Kennedy, and Dean Rusk may yet bless the cast on his leg.

EDUCATIONAL OPPORTUNITIES GROSSLY UNEQUAL IN OUR COUNTRY

Mr. YOUNG of Ohio. Mr. President, for more than a century the pride of America has been its fine system of public school education. It was founded on the premise that education is the heart of a democratic society and is the birthright of every American. Through the years, we have willingly supported our public schools in the belief that it is in them that we develop our most precious natural resource, our children. Although our system of public education has worked well, I maintain we could do better—much better. Indeed, it must be the very best if our society is to meet the grim challenges of the years ahead.

The sheer pressure of population growth has brought about a critical need for rapid expansion of educational facilities and rapid increase in educational personnel. Today there are 70 million young Americans under the age of 20. Seven years from now there will be 86 million. This year, alone, there are 1 million more 16-year-olds than last year.

Because of this population pressure, our educational needs, now and in the years to come, are staggering. Since 1950 enrollment in our schools and colleges has increased by over 50 percent, and it is expected that by 1970 college enrollment will double and secondary school enrollment will increase by 50 percent.

One and a half million new classrooms will be needed for elementary and secondary schools in this decade. Yet, last fall we had a shortage of 121,000 classrooms, and if current construction rates continue we will make up only half of what is needed. Moreover last year, 1½ million of our children were studying in overcrowded classrooms, and 2 million others were studying in substandard conditions of health and safety. These figures represent but a small illustration of our very immediate educational needs.

Recognizing the enormousness of the problem, we must also recognize that this is not only a local problem, but a national one as well. Education is a serious national problem. If education is inadequate in one area, ability is undermined in all areas. Today, we are allowing a situation to exist in which educational opportunity is unequal. The quality of education a child receives can often be measured in terms of the dollars and cents devoted to his schooling. I am startled by the disparity between the expenditures per pupil by the States. For example, during the current school year, New York State spent $645 per pupil in public elementary and secondary schools. My own State of Ohio spent $422 per pupil. At the same time, the expenditure per pupil in Arkansas was only $279 and in Mississippi, $230. I state these wide differences in expenditures regretfully.

State and municipal taxes in most States already are committed to the hilt. Dropping the solution of this massive problem in their laps will mean that we are willing to sentence our school system permanently to the near-starvation diet which now stunts its growth and development.

Fine young scholars in a number of States—to mention Arkansas and Mississippi as being only two of a number—are discriminated against, through no fault of their own. A student who possibly could become a great nuclear physicist who would serve our Nation magnificently may thereby be deprived of that opportunity, due to inadequate training.

We only need use our eyes. A visit to the school buildings of almost any city will reveal the crowded conditions under which millions of children receive their basic education. In Cleveland, Ohio, in other communities in my State of Ohio, and in States throughout the Nation, those in charge of the schools have had with increasing frequency to resort to the use of half-day sessions, instead of permitting pupils to attend the full-day sessions they need for an adequate education.

Mr. President, we owe our children the best possible education. The form and content of this education, we all agree, must remain for educators and local and State school boards themselves to determine. There is, and will be, no attempt by the Federal Government to interfere with this traditional concept of education in our Republic. I flatly reject the charges of opponents of Federal aid that Government assistance will bring Government control.

The Government's sole responsibility—in the absence of State and local ability to meet fully the pressing need—is to help to construct adequate classroom space and to train and attract enough qualified teachers.

I assert that those who mournfully predict that Federal aid to education connotes Federal control are completely wrong. The evidence is against them. Federal assistance programs, from the time of legislation for the land-grant colleges to the GI bill of rights, have brought no hint or suggestions of Government domination of schools.

Those who cry of a "Federal takeover" are wasting their tears and our time. Our total national expenditure for education is about $30 billion. The Federal Government contributes only 4 percent of this. Administration officials have recently proposed that we increase the Federal contribution toward education to a rather modest extent which might bring Federal Government contributions to 6 percent or 8 percent of the total instead of 4 percent.

While some of us are splitting straws over whether an educational crisis exists and whether a suitable solution can be found, the problem grows.

We have an obligation to provide the finest possible education for all the school children of this country. They cannot be given the finest possible education in antiquated, overcrowded school buildings, with classes conducted by teachers who have received inadequate training, and who are there on an emergency or temporary basis.

We must begin now to correct the deficiencies in our public school system. They will not disappear if we ignore them. They will only grow more acute. The time has come when the only interest which must be satisfied is the interest of our children—the interest of those whose future is dependent upon education.

I fervently hope that before this Congress adjourns we shall have enacted into law an adequate aid-to-education bill. The strength, power, and supremacy of our Nation a few years hence will in large part depend upon how well we provide education for the schoolboys and schoolgirls of our time.

THE PRESIDENT'S HISTORIC IMMIGRATION MESSAGE

Mr. HUMPHREY. Mr. President, speaking as one Senator who has been deeply involved for many years in the struggle to revise our immigration and naturalization statutes, I cannot express too forcefully my enthusiasm for the courageous and far-seeing immigration message sent to Congress yesterday by President Kennedy.

I recall that when the President was still a Member of the Senate, he joined with the Senator from Minnesota in introducing immigration legislation with objectives quite similar to the bill sent to Congress yesterday. The distinguished Senator from Michigan [Mr. HART] has assumed command of efforts in Congress to enact these new recommendations. He is the author of proposed legislation (S. 747), with which I have long been associated, and that I am proud to cosponsor in the 88th Congress, legislation to put the quota system on a rational and just basis.

Although Congress faces many urgent matters of national importance at this session and the next, I fervently hope we can nevertheless push ahead with the long-postponed, long-overdue task of bringing our immigration laws up to the civilized standard which the world has reason to expect of the United States. The present system is cruel, unworkable, discriminatory, and illogical.

As a nation composed almost entirely of immigrants, and as a nation that has profited and prospered immeasurably from the many nationalities who have come to our shores, we can ill afford to continue for much longer the immigration policies that have critically hindered an infusion of new citizens into the lifeblood of this Nation.

I urge prompt consideration by the appropriate congressional committees of the President's bill and related immigration legislation so that the 88th Congress will not adjourn sine die until affirmative and constructive action has been secured by both Houses.

Mr. President, I ask unanimous consent that an editorial published in this morning's Washington Post and an article published in the New York Times dealing with the President's immigration message be printed in the RECORD at this point in my remarks.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 24, 1963]

IMMIGRATION: A SEA BREEZE

President Kennedy has proposed to Congress the best immigration law within living memory to bear a White House endorsement. He would remove altogether the ignoble national origins quota based on the composition of the country in 1920—a system that he rightly says in his letter to the Speaker of the House "is without basis in either logic or reason. It neither satisfies a national need nor accomplishes an international purpose."

The new law that Mr. Kennedy seeks would squarely meet national needs and accomplish considerable international purpose. Over a 5-year period, national origin quotas would be eliminated and the quota numbers assigned to a new pool. Priorities for admission would be given first to immigrants with skills needed in our economy, second to persons related to individuals already here and finally on a first-come, first-served basis—with a safety proviso that no one country receive more than 10 percent of the quota numbers authorized in a single year.

Two other touchy problems are intelligently dealt with. Present law embodies an objectionable formula that provides that any person with at least one parent born in nonwhite Asia be admitted in terms of the country quota of his ancestors—regardless of where the applicant himself was born. This provision would be expunged. Secondly, Jamaica, Trinidad, and Tobago would be given the same nonquota status as other independent countries in the Western Hemisphere, a change which accords with a long tradition.

The administrative structure of the law would be flexible. Its provisions could be modified if the President accepts the recommendations of a seven-man immigration board with four members appointed by Congress and the rest by the President. In terms of overall numbers, the proposed bill would entail a modest increase over last year's immigration total of 283,763 persons—with the one uncertain factor being the number of West Indians who might enter the United States.

The bill does not take up the harsh deportation and exclusion features of the McCarran-Walter Act, but there is no reason why Congress should not reappraise these clauses—and indeed, Chairman CELLER of House Judiciary has already indicated he intends to do just this. Ironclad political exclusion policies which involve a cumbersome waiver procedure have been a continuing source of embarrassment to a country hostile to walls. In addition, Congress might well consider, as we have suggested previously, the insertion of general language in the preamble stating the larger goal of creating a free world community in which people can move as freely as trade and capital. The bill represents a long stride in this direction, and strong and informed pressure should be brought on Congress to pass a measure that is sensible, liberal, and overdue.

[From the New York Times, July 24, 1963]

PRESIDENT URGES REPEAL OF QUOTAS FOR IMMIGRATION—HE ASKS CONGRESS TO ADMIT ALIENS WITHOUT REGARD TO COUNTRY OF THEIR ORIGIN—BAR TO ASIANS OPPOSED—NEW SYSTEM WOULD ALLOT HIGHEST PRIORITY TO THOSE WITH USEFUL TALENTS

(By Tom Wicker)

WASHINGTON, July 23.—President Kennedy asked Congress today to abolish the quota system of immigration within 5 years.

The quotas, in effect since 1924 and based upon the census of 1920, would be reduced by 20 percent in each of the 5 years, until they disappeared. With them would go the much-criticized system by which the United States has sharply limited immigration from southern Europe and Asia.

The country most affected would be Italy. Government officials estimated today that Italian immigration would rise from the present annual quota of 5,500 to an average of more than 16,000 in each of the 5 years that would follow enactment of Mr. Kennedy's proposals.

TERMS OF KENNEDY BILL

The President's bill would provide for an eventual annual immigration total from all countries of about 165,000 persons. They would be admitted generally without regard to country of origin but by no means at random.

In addition to this major goal, Mr. Kennedy proposed the abolition of racial-origin restrictions against persons of Asian descent. His bill would also end the requirement that persons seeking immigration on grounds of their special skills or talents first obtain employment in this country.

It would permit the immigration, in addition to the established annual quota and without numerical restriction, of parents of American citizens, and of residents of Western Hemisphere nations that have gained independence since 1952—Jamaica, Trinidad, and Tobago.

CITES COMPELLING NEED

Congressional approval of these changes, most of them controversial, is not believed likely this year and promises to be difficult at any time in the House of Representatives.

However, Mr. Kennedy, the author in 1958 of a little-known book called "A Nation of Immigrants," said that there was a "compelling need" for an immigration law "that serves the national interest and reflects in every detail the principles of equality and human dignity to which our Nation subscribes."

The President sent his draft bill and an accompanying letter to Speaker of the House JOHN W. MCCORMACK and Vice President JOHNSON.

The system he proposed as a replacement for national quotas would give first priority to persons of useful skills and attainments—those, as Mr. Kennedy said, "with the greatest ability to add to the national welfare." Engineers, doctors, teachers, and scientists would probably be high in this category.

Second priority would go to persons whose immigration would reunite a family—to the unmarried, adult daughter, for instance, of parents already living in the United States.

A Government officer estimated that under these priorities relatives of persons already in the United States would provide more than half the annual total immigration.

ONE RESTRICTION PROPOSED

After these priorities, admission would be governed by the date of application, still without regard to country of origin.

The only national restriction would be that no country could provide in any one year more than 10 percent of the total annual immigration.

Thus, the present inflexible assignment of quotas would be eliminated. Under the quota system, 68,000 immigration places went unfilled in 1962 of a potential total of 157,000.

This was because many countries, notably Ireland and the United Kingdom, did not fulfill their large quotas. But the unused places could not be transferred to countries like Italy with small quotas and huge backlogs of would-be immigrants.

It is estimated here that 300,000 persons have registered for emigration to the United States in Italy since World War II, in addition to those who have been admitted.

Following are the details of the system by which Mr. Kennedy proposed to eliminate the restrictive national quotas that created this backlog, and similar ones in other countries:

First, 20 percent of each national quota would be placed in each of the 5 years into a quota reserve pool, to be distributed on the basis of the proposed new system.

Thus, in the first year, about 32,800 quota numbers—20 percent of the annual quota total of 156,700 from all countries—would go into the reserve pool. In the second year, the same number, plus a further 20 percent, a total of 65,600, would go into the pool.

In addition, unused quota numbers for a given year would be assigned to the reserve pool in the following year. That is, a country with a remaining quota of, say, 4,000, of which only 3,000 places were filled, would have 1,000 additional of its quota numbers assigned to the pool the next year.

OVERALL ANNUAL QUOTA

After 5 years, the reserve pool would have absorbed the national quotas entirely. Together with some relatively minor additions, this would create a new annual immigration quota, from all countries, of 165,000 persons.

The increases would result from a provision doubling the present minimum quota of 100 persons. This would add 7,000 to 8,000 persons to the annual total.

Neither during the 5 years of the transition period, nor after the national quotas had been eliminated, could natives of any single country take more than 10 percent of the total annual immigration.

Thus, the Italians, as an example, would be limited at most to about 16,500 immigrants annually. For a number of years, officials expect that Italian immigration would average that number.

In the 5-year period, the President would be authorized to set aside up to 50 percent of the reserve pool. He could use this authority to adjust cases of hardship arising under the new system, and to obtain the admission of a representative number of persons from closely allied countries.

In pursuit of these purposes, the President would have the power to set aside the 10 percent limitation. For instance, if the present large immigration from Britain (20,000 persons a year) were sharply curtailed by a combination of the annual 20 percent reductions in its quota and the assignment to the reserve pool of its unused quota numbers, the President could authorize additional immigration from Britain.

The President would continue to have this discretionary authority over up to 50 percent of the annual immigration even after the 5-year transition. Officials said it would become less important after the quota system had been abolished.

In making such allocations, and for other purposes, Mr. Kennedy would have the advice and assistance of a new seven-man immigration board.

Again using Italy as an example, the following situation might arise:

In, say, the second year of the transition period, Italy would have a quota of 3,300 (its original quota of 5,500, minus 40 percent). In addition, Italy would be eligible to send a maximum of about 13,200 more persons to the United States from the quota reserve pool, making up the permissible 10 percent share of the total of 165,000.

In practice, Italy's share of the reserve pool would be governed by the priorities established in the law, and by the President's use of his authority to reserve 50 percent of the pool.

Two other countries vitally affected would be Greece and Poland. The latter, with a quota of 6,488 annually under present law, has a backlog of 60,000 applicants. Under the new law, Polish immigration might hit an average of 12,000 a year, officials said.

Greece, which has a quota of only 308 a year, has a probable backlog of 100,000 persons seeking immigration here. Under the proposed law, her migration to the United States also would rise to 12,000 a year.

All these figures are inexact, because so are the backlog figures. There is no way to tell, officials said today, how many on the Greek or Italian or other lists are now dead, have emigrated to some other country, or have changed their minds about leaving their native lands.

The proposed bill would cope with this situation, and with so-called insurance registrations. The latter are registrations for future entrance into the United States by persons who want to establish a priority but who at the time of registration do not intend to come here.

The new bill would empower the Secretary of State, at his discretion, to order new registrations, in effect purging the old lists. It would also require part of the visa fee to be paid at the time of registration.

The Secretary could also terminate the registration of any person who had become eligible for immigration but who had turned down a visa. At present, such persons remain on the list.

Other major provisions of the draft bill are as follows:

Racial origin restrictions on persons of Asian descent would be repealed. These restrictions now provide that if half an immigrant's ancestors come from an Asian or Pacific island nation, he cannot be considered under the quota of the country of his birth, but only under the quota of the nation of his ancestry.

A person of Japanese descent born in Brazil, which is accorded unlimited immigration to the United States, would thus have to be considered under the Japanese annual quota of 185.

Refugee admittance would be liberalized. The President would be authorized, if the circumstances warranted, to disregard the date of application for immigration and speed up the admittance of a person regarded as a refugee. In addition, the regular refugee quota would be broadened to permit admittance of refugees in addition to those under the mandate of the United Nations High Commission for Refugees, and from Algeria.

In addition to easing admittance requirements for persons of high skills, a special preference would be established for other persons who could help fill specific labor shortages. Special preference would also be extended to the parents of alien residents.

Provisions of present law barring admittance of most persons with mental afflictions would also be eased. Such persons, who are the spouses, children or parents of a citizen or alien resident could be admitted by direction of the Attorney General. Restrictions on epileptics would be abolished.

Administration sources said today that they expect the bill to be introduced in the Senate by Senator PHILIP A. HART, Democrat, of Michigan. It was hoped, they said, that perhaps half the Senate would join in sponsoring it and that passage could be obtained in that body during the 88th Congress.

In the House, the bill will be introduced by Representative EMANUEL CELLER, Democrat, of Brooklyn, who is chairman of the Judiciary Committee. Its prospects are considered dim for the time being, owing to a lack of established leadership on immigration affairs in that body.

LET US ALSO NOTE CIVIL RIGHTS PROGRESS IN AMERICA

Mr. HUMPHREY. Mr. President, Congress and the Nation have been deluged and inundated in recent weeks with reports of racial violence and discord that has broken out in all sections of the United States.

I think it is unfortunate that all too often too little notice is given to the definite progress in civil rights that is also being made. Many grave problems remain and unfortunately will take many years to resolve. But other differences are being constructively met, solutions are being developed, and the cause of human rights is going forward. I believe it is just as important to report the hopeful and encouraging news as it is to spread the problems on the pages of the RECORD.

Today I should like to note the tentative settlement of racial discord in Cambridge, Md., that was reached yesterday.

I feel certain that the present Presiding Officer of the Senate, the distinguished junior Senator from Maryland [Mr. BREWSTER], is every bit as grateful and thankful for this agreement as is every other Member of this body. I comend him for his most helpful suggestions in achieving this result. The agreement is a victory not for either side; it is a victory for all the citizens of Cambridge. Let me add, not being a citizen of Maryland, but a citizen of Minnesota and the United States of America, that it was a victory, too, for all Americans.

The Attorney General deserves the praise and commendation of every American for the most constructive role he played in reaching this accord. Similarly, the Cambridge Nonviolent Action Committee, under the leadership of Mrs. Gloria H. Richardson, the mayor of Cambridge, the Honorable Calvin W. Mowbray, and others who participated in this initial agreement are to be congratulated. I echo the sentiments expressed at the conclusion of the meeting yesterday at the Department of Justice, namely, that the agreement "was not a victory for either side—it is a victory for all the citizens of Cambridge." And let me add—for all Americans.

I also note the heartening progress being made in Birmingham toward greater freedom for all persons and tranquility for the entire community. A report published in yesterday's New York Times was indeed encouraging in this regard. Likewise I also note the progress that is being made in New York to open the construction trades to qualified workmen without regard to race, color, or national origin.

None of these reports represents final or total solutions. But each one should be duly recognized for the hopeful note it injects in the evolving civil rights picture in this country.

I intend periodically to bring other reports of good news to the attention of the Senate, because I want the American people to know of the progress that has been made, as well as of the problems

we face. Mr. President, I ask unanimous consent that three articles commenting on these developments in Cambridge, Md., Birmingham, Ala., and New York City, be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 24, 1963]

PACT IS REACHED FOR RACIAL PEACE IN CAMBRIDGE, MD.—5-POINT ACCORD IS SIGNED BY NEGROES AND CITY OFFICIALS — MAYOR PLEDGES AID

(By Ben A. Franklin)

WASHINGTON, July 23.—The explosive civil rights struggle in Cambridge, Md., was tentatively settled here today after 72 hours of intensive Federal intervention.

Under the terms of a five-point agreement signed this morning in the office of Attorney General Robert F. Kennedy, Negro desegregation demonstrations will cease immediately "for an indefinite period."

(In Charleston, S.C., 62 merchants agreed to integrate their stores, in the hope that this would end demonstrations there, the Associated Press reported.)

"Now we have an agreement on paper," Mr. Kennedy said. "Whether it will be implemented, whether it will mean something for that city, its citizens and the country, is going to depend on the effort, good judgment, the confidence, the faith of the Negroes and whites alike.

"Now it is up to the people that are here around this table," he continued. "It is also up to the individual citizens of that city."

In halting demonstrations, Negro leaders reversed the position they had taken in earlier attempts to reach a settlement.

A key to the accord was their acceptance of a possible referendum on city legislation desegregating public accommodations.

WOULD DESEGREGATE SCHOOLS

Other points in the agreement call for:

Rapid desegregation of the Cambridge public schools, now totally segregated.

The construction of a low-rent public housing project for Negroes.

The employment of a Negro in the Cambridge office of the Maryland Department of Employment Security.

The appointment of a Human Relations Commission.

The agreement noted that the city had adopted a charter amendment desegregating public accommodations and said "it is hoped" that it would become effective August 20.

The city council voted the amendment 3 weeks ago after it had refused to pass a desegregation ordinance, which would not have been subject to a referendum.

If 780 registered voters—20 percent of the voting list—petition for a vote, the referendum must be held. The deadline for the petition is August 9.

However, Mayor Calvin W. Mowbray pledged his government today to blocking the petition.

It was the possibility of a repetition of violence in Cambridge in spite of modified martial law there, it was reported, that caused the Negroes to change their position.

Mr. Kennedy was instrumental in achieving the crucial concession during an 8-hour conference yesterday.

Gov. J. Millard Tawes initially ordered the National Guard into Cambridge on June 14. Four days after the troops withdrew on July 8 he had to order them back because violence again erupted.

More than 900 troops are now there. Their commander, Brig. Gen. George M. Gelston, said today he would reduce the force, but the rest would remain until peace was assured.

Federal efforts to bring both sides together intensified over the weekend. Negro leaders accepted an invitation from Burke Marshall, Assistant Attorney General in charge of the civil rights division, to meet in Washington yesterday. General Gelston, Attorney General Thomas B. Finan of Maryland, his deputy, Robert C. Murphy, and Edmund C. Mester, an aid of Governor Tawes were also invited.

Cambridge officials were absent from the session, which lasted until midnight. They were represented by Mr. Finan.

Their absence was taken as an indication that the focus of the Justice Department's efforts was on the Negro leaders' refusal to accept the settlement package.

Attorney General Kennedy, Mayor Mowbray and the leaders of the Cambridge Nonviolent Action Committee, which had conducted the 19-month Negro campaign, stressed that the agreement was "not a victory for either side—it is a victory for all the citizens of Cambridge."

Seated at Mr. Kennedy's right in his office was Mrs. Gloria H. Richardson, chairman of the Negro group. She said:

"We are very pleased with the agreement. We look forward to moving to a new era in which we can work together on community relations instead of just Negro and white relations."

Cambridge is the seat of Dorchester County. The county's State Senator and four-man delegation to the lower house of the Maryland General Assembly voted last March to exempt it from the State public accommodations law.

The measure is now in effect in 12 Maryland counties covering about 90 percent of the State's population.

Dorchester County's exemption is widely believed to have touched off the wave of Negro demonstrations that began in April.

[From the New York Times, July 24, 1963]

THE TEXT OF THE CAMBRIDGE, MD., ACCORDANCE

Whereas the Negro citizens of the city of Cambridge have organized for the purpose of eliminating racial segregation and discrimination in all public institutions and privately owned business establishments catering to the general public in the city of Cambridge; and have as their further purpose and objective the securing of equal employment opportunities and better housing facilities for all of the Negro citizens of Cambridge and;

Whereas the Negro citizens of Cambridge have petitioned city officials of Cambridge toward the accomplishment of these ends; and

Whereas the resolution of these problems has occasioned racial unrest in the city of Cambridge for a period of approximately 19 months; and

Whereas the situation became such as required, on June 14, 1963, the ordering of the Maryland National Guard to Cambridge to maintain peace and order in that community; and

Whereas despite the presence of the National Guard, incidents have occurred which have aggravated and heightened tensions brought on by the attempted resolution of such racial problems; and

Whereas since the proclamation of the Governor sending the National Guard to the city of Cambridge, there have been numerous meetings between representatives of the Negro citizens and representatives of the city of Cambridge and State of Maryland, at which time the various grievances aforesaid were discussed and proposals tendered by the Negro citizens were considered, all of which were predicated upon a desire of those representing the Negro community to achieve equal rights and opportunities; and

Whereas further progress can best be obtained in an atmosphere of calm and serenity; and

Whereas various negotiations, including those held today, July 22, 1963, under the auspices of the U.S. Department of Justice, have produced material and tangible accomplishments to the satisfaction of the just and equitable goals of the Negro citizens of Cambridge, some of which are as follows:

1. The mayor and city council of Cambridge have appointed a biracial committee, designated as the Human Relations Commission of the city of Cambridge, on which commission four Negro citizens have been named as members.

2. A Negro citizen has been retained, effective August 1, 1963, as an interviewer with the Department of Employment Security of the State of Maryland in the Cambridge office.

3. The mayor and commissioners of Cambridge have adopted a charter amendment which provides for desegregation of places of public accommodation. Though said charter amendment may be subject to a referendum, as provided by law, it is the hope of all those signing this agreement that such a referendum vote will not be necessary and that said amendment will become effective on August 20, 1963. The parties hereto express the belief that it is in the best interest of the entire city of Cambridge that the charter amendment not be petitioned to referendum.

4. Firm assurances were received today that desegregation of the first four grades in the Dorchester County school system will be accomplished by the opening of the school year, September, 1963, and that applications for admission to any grade in any school within the Dorchester County school system are now ready to be received and processed without regard to race, creed, or color.

5. The mayor and commissioners of the city of Cambridge, acting by and through its duly constituted housing authority, will cause the necessary applications to be filed with the Federal Housing Administration in order to obtain a low rent public housing project which will materially benefit the Negro community. Absolute conformation of such action has been received today from the mayor and commissioners of Cambridge, and, at a meeting between Negro representatives of the city of Cambridge, held in the city of Washington, with Dr. Robert C. Weaver, Federal Housing Administrator, Dr. Weaver gave assurances that such application would be expeditiously processed.

In recognition of the above, and in order to achieve continued cooperation in a climate most conducive to successful implementation of the purposes set forth in this agreement, the representatives of the Negro citizens of the city of Cambridge hereby agree that there will be no form of protests or demonstrations for an indefinite period hereafter.

The parties hereto whose signatures are affixed below realize that although there are no legal sanctions attached to this agreement yet it is considered as imposing a moral obligation upon them to abide by and fully support the spirit and intention of this agreement.

Mrs. Gloria Richardson, chairman, Nonviolent Action Committee, Cambridge, Md.

Phillip Savage, area secretary, National Association for the Advancement of Colored People.

John Lewis, chairman, Student Nonviolent Coordinating Committee.

Stanley Branche, field secretary, National Association for the Advancement of Colored People.

Reginald Robinson, field secretary, Student Nonviolent Coordinating Committee.

Clarence Logan, chairman, Civil Interest Group.

Calvin W. Mowbray, mayor city of Cambridge, Md.

Arthur Parker, president, Commissioners of Cambridge, Md.

C. Awdry Thompson, city attorney, city of Cambridge, Md.

Thomas B. Finan, attorney general, State of Maryland.

Edmund C. Mestor, executive assistant to the Governor, State of Maryland.

Witnessed this 23d day of July, 1963:

Robert F. Kennedy, Attorney General, United States of America.

Burke Marshall, Assistant Attorney General, Department of Justice.

[From the New York Times, July 22, 1963]

BIRMINGHAM NOW: A CITY WITH RENEWED HOPE—RACIAL GAINS, MADE QUIETLY, ERASE BITTERNESS OF RIOTS—RESTRAINT SETS TONE

(By Foster Hailey)

BIRMINGHAM, ALA., July 20.—A few days ago a group of Negroes from north Birmingham went to city hall, took the elevator to the third floor and entered the council chamber where Mayor Albert Boutwell and the new city council were in session.

The group said it had come to protest what it considered the unjustified shooting by a policeman of a Negro youth.

Chief Inspector W. J. Haley of the Birmingham police was called to the chamber.

He said he was familiar with the matter. The youth had been intercepted in a stolen car. When halted, he had jumped from the car carrying a gun and tried to escape. Mr. Haley thought the policeman was justified in firing a disabling shot. Mayor Boutwell and the council agreed.

The explanation probably did not satisfy the group of protestors (the boy was retarded mentally, they said, and probably did not realize what he was doing). But their complaint at least had been heard and an official report given to them.

In many American cities such a protest, and its resolution, would be considered routine. In Birmingham it was the subject of editorial comment. The comment was favorable.

The occurrence is a symptom of the change of climate in the city of Birmingham over the last 2 months. This is now a city of hope—hope for its Negro population of 140,000 as well as for the 200,000 white persons who also call Birmingham home.

"We're just as anxious as the white people to have this a peaceful and prosperous city," said one Negro leader. "We live here too."

The millenium has not yet arrived in Birmingham. In city hall and in the county buildings there are still white and colored signs over the drinking fountains and on the doors of the rest rooms.

The schools are still segregated, although they are under Federal court order to do something about that in September.

A colored man still cannot go to the restaurant of his choice and get a cup of coffee or a serving of Gulf Coast shrimp, or register in a white hotel, or do a lot of other things he would like to do as an American citizen.

But he can go out and play a round of golf on the city course of his choice. When his wife goes to a store to buy a dress, she does not have to go out in the alley to try it on; she can go into a fitting room that perhaps was vacated by a white customer only moments before. Both can go over to any water fountain in a downtown store and get a drink. He can even use the paper cups that are provided. That is what most, if not all, the white persons do. He can take any seat he wants in a bus.

The most significant symbol of change came last Tuesday night when almost 200 of Birmingham's leading citizens, white and Negro, pushed their way through protesting members of the Ku Klux Klan and White Citizens Councils at city hall to register as members of Mayor Boutwell's biracial Committee on Community Affairs of the city of Birmingham.

For the first time in the history of the city, responsible leaders of the white community were standing up to be counted on the issue of racial justice.

Only 3 of the 250 invitations to serve on the committee have been declined.

For its part, the Negro community is showing firm control of its more militant young members. Some of them have formed a "self enforcement committee" that restrains any attempts by individuals to speed up the process of integration by unauthorized sit-ins at segregated restaurants or hotels. The energies of others have been channeled away from street demonstrations.

REGISTRATION DRIVE GAINS

One group has been working to stimulate voter registration among Negroes, and with reportedly remarkable results. Since the end of the demonstrations on May 8, more than 2,000 Negroes are said to have registered in Jefferson County (Birmingham and its suburbs). That raises the total of Negro voters in the county to between 13,000 and 14,000.

Resentment against the use of police dogs and fire hoses during a series of demonstrations in May also seems to be dying away. Some tires on police cars were slashed in May, and one night a crowd of more than 1,000 Negroes tried to block fire engines responding to a fire alarm. (Three Negro children burned to death.) But there have been no such incidents for some time, police officials say.

The Negroes still complain that there have been no arrests in the bombings of the A. G. Gaston motel and the home of one of the integration leaders on the night of May 11. The bombings touched off the most serious rioting of the period. Both city and Federal authorities say the investigation is continuing and will be pressed until the culprits are found.

ABUSIVE TELEPHONE CALLS

There still is considerable white racial sentiment in the community. Anyone identified with any attempt to promote better race relations is subject to anonymous and often obscene abuse by letter and by telephone. Sometimes rocks are thrown at their houses at night. But that group of diehards is thought to be a small minority.

There are some white leaders who say that everything gained so far could have been accomplished without the street demonstrations that focused unfavorable world attention on Birmingham 2 months ago. Most Negro leaders believe the pace would not have been so steady nor as much progress made had the open protest not been made.

[From the New York Times, July 22, 1963]

UNIONIST SOFTENS STAND ON NEGROES—CONSTRUCTION CHIEF ACCEPTS IDEA OF AN OUTSIDE REVIEW ON APPRENTICESHIPS HERE

(By Emanuel Perlmutter)

The head of the city's construction unions retreated yesterday from the strong stand he took last week against a plan for providing more openings for Negro and Puerto Rican apprentices in the building trades.

Peter J. Brennan, president of the New York Building and Construction Trades Council, said he still believed that job trainees should be chosen by organized labor and not by "outsiders."

However, he said he had no objection to having an appropriate outside person or Government agency review cases in which applicants for union apprenticeship contended that they had not received fair consideration.

COMPROMISE PROVIDED

The statement represented a compromise from the flat rejection by Mr. Brennan of some of the recommendations by Mayor Wagner's "action panel" on ways to open the construction unions to more Negroes and Puerto Ricans.

Mr. Brennan had turned down the panel's suggestion that ministers and teachers, instead of only union members, be accepted as sponsors for applicants and that a Government agency test the qualifications of journeymen.

Yesterday's more moderate position was put forth by the head of the building trades' 122-union council on a taped interview over "Let's Find Out," a WCBS radio program.

Mr. Brennan said he would ask the council tomorrow to let him join a special union panel composed of Negroes and white persons to screen and interview applicants for apprenticeship. He added:

"Now, I also will ask that if any of these young men feel that the committee is not giving them a fair chance to become an apprentice we would then ask somebody outside to review this, still maintaining that we have the right to run our own business."

Mr. Brennan defended the city's construction unions, which have 250,000 members. He charged that they had been singled out as targets for accusations of discrimination while other trades that were more guilty of the abuses had not been criticized.

The building unions have been repeatedly criticized by the Joint Committee for Equal Employment Opportunity, which represents the major civil rights organizations in the city.

The joint committee criticized both Mayor Wagner and Governor Rockefeller yesterday for "their categorical refusal to take any meaningful action to put an end to discrimination in and by building trades unions in New York City."

It charged that the Mayor and the Governor had abdicated from "both their legal and moral responsibility" to enforce the antidiscrimination laws by refusing to halt construction on public-financed projects until the unions had adopted full integration.

The committee termed the report of the mayor's action panel "extremely weak." It called Mr. Rockefeller's proposal for a program of educational conferences and investigations of the job bias problem an "interminable exercise in futility."

The group, which has sponsored demonstrations against the construction unions, said more and larger demonstrations were being planned.

THE AMERICAN REVOLUTION

Mr. HUMPHREY. Mr. President, our distinguished Ambassador to the Dominican Republic, the Honorable John Bartlow Martin, recently addressed the 13th annual convention of the Chamber of Commerce of the Americas, which was held in Santo Domingo. This address is an eloquent declaration of faith in the goals and in the methods of the Alliance for Progress, and I commend it to the attention of my colleagues.

Ambassador Martin's approach to the Alliance is at once optimistic and practical, as illustrated by the following statement:

Too much progress cannot be expected too fast. The Alianza is not a receipe for instant utopia. In this slow hard business of nation building, we would all be better off if we stopped thinking in terms of target dates, deadlines, and final victory, for although on the first Wednesday after the second Monday in November every 4 years in the United States we know who won the election, only our children's historians, perhaps not us at all, may know whether the Alianza won. (Though we may know if it loses.)

It is indeed heartening to know that our country is represented in the emerging nations by men of Ambassador Martin's sagacity. At a time when the Senate is about to consider the appropriation for the Alliance, this speech should be read by all who desire to inform themselves on the Alliance. I ask unanimous consent that his address be printed in its entirety at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH OF AMBASSADOR JOHN BARTLOW MARTIN, CHAMBER OF COMMERCE OF THE AMERICAS, 13TH ANNUAL CONVENTION, HOTEL EMBAJADOR, SANTO DOMINGO, DOMINICAN REPUBLIC, WEDNESDAY, JUNE 19, 1963

Distinguished guests, ladies and gentlemen, I am honored to meet with distinguished business leaders of our hemisphere—and by choosing to hold your 13th annual meeting in Santo Domingo, the cradle of the hemisphere and its newest birthplace of democracy, you honor with your presence and with your confidence the brave Dominican people and their elected and dedicated president, Juan Bosch.

Your deliberations will reach far beyond this lovely island. They have the capacity to help shape the future. For yours is an absolutely crucial role in hemispheric development, not only your capital but your technical knowledge and above all your flexibility, your confidence, and your constructive leadership of the revolutionary change which is the condition of our life today.

Change is everywhere. The splendored jets which brought you here glided into Aeropeurto Punta Caucedo over the heads of ragged women on burros, carrying charcoal to market; and what concerns that woman is not the European Common Market but the market on Avenida Mella, and the pennies she can take home to her children tonight. Change, wrenching change; contrast and contradiction; campesinos plowing the earth with forked sticks while the hydrogen bomb ticks away, one man orbiting the earth while below him millions starve—this is the world we live in, this is the basic fact of our life.

Whatever we do, whatever anyone does, the plain truth is that Latin America is having, and will continue to have, a revolution. Whether it will be peaceful and maintain liberty, or will be bloody and destroy freedom, is to a considerable extent in your hands.

I would not presume to lecture this audience on such technical though vitally important questions as those you have discussed this week—capital formation and capital flight, systems of housing finance, investment guarantees, and so on.

Rather, I should like, if I may, to set our discussions in a somewhat larger frame of reference.

For we must not forget that in all our deliberations, in all our common efforts, our common purpose is to make a revolution. And the questions we must confront are these: Is social revolution compatible with a business system of free enterprise? Is it compatible with peace, with democracy, with individual freedom? And are we up to the task—can we summon the wisdom, the courage, the patience, and above all the confidence we need—confidence in ourselves, confidence in the ordinary people?

Our opponents answer no.

And we would do well to heed them. A leading theoretician of the extreme left in Latin America has told us plainly what he thinks. Speaking directly to the United States, he said that we have had four centuries of uninterrupted development, of industrial revolution and liberal democracy within a capitalistic structure, while, he says, Latin America has had four centuries of continuous underdevelopment, misery, and stagnation, within a feudal structure derived from old Spain, with its tyranny, great estates, denial of rights to the masses, and barriers raised against modern ideas. Our theoretician contends that the only solution for Latin America today is to destroy its feudal structure once and for all. He tells us the Alliance for Progress is a sham and that its only real structural reform, agrarian reform, is doomed by the Latin American oligarchy. Agrarian reform, he argues, "can only be brought about by revolution, with a gun in hand." And our theoretician continues—and I quote him directly—

"Revolution? Yes, because, as Mexico and Cuba have shown only revolution can destroy feudalism—not aspirin and good wishes.

"Revolution? Yes, because as Cuba and Mexico have shown, only armed revolution can destroy forever the armies which guard the old order.

"Revolution? Yes, because, as Mexico and Cuba have shown, only a revolution can bring about the structural changes necessary to modernize our countries, put stagnating natural resources to work, recoup ill-spent and estranged resources, carry through agrarian reform, create an internal market, diversify production, promote popular education and industrialization.

"Revolution. You cry out and put your hands to your heads, weeping to see the violence and the spilling of blood. Yes, because unfortunately, it has never been possible to convince the ruling classes of a feudal country that their hour has come. Blood? Yes, historical delay is paid for in blood. Remember Jefferson. From Spartacus to Fidel Castro, through Protestant, English, French, United States, Mexican, and Russian revolutions, revolutions have been violent. Revolutions are not made by Mickey Mouse. They are made by hungry, courageous, angry, desperate men."

Now, it is manifestly absurd to equate the Mexican revolution, which was indigenous and has remained so, with the Cuban revolution, which is the creature of a foreign colonial power; it is also absurd to pretend that tragic Cuba proves that violent revolution promotes economic growth.

But I think our theoretician raises a serious question which deserves an answer when he asserts that revolution can be made only with rifles and not with reason; only by bullets, never by bankers; only with blood, never with brains.

I assert, and I deeply believe he is wrong.

I refuse to believe that the human race has learned nothing since Spartacus, that history is an iron vise, and that reason, good will, education, and a passionate devotion to freedom cannot loosen that viselike grip on mankind.

History is not a straitjacket. The human race does learn. Change is the one certitude. The dismal factories of 19th century England on which Karl Marx founded his historical postulates resemble in no way the institutions of modern capitalism in the 1960's. And our doctrinaire theoretician is as wrong in his interpretation of history today as Karl Marx was wrong when he predicted that communism was unlikely in Russia in the near future but historically inevitable in England and Germany.

The experience of my country demonstrates that a profound social and economic revolution can indeed be made by peaceful means and without destroying individual freedom. We had one. It began in the 1930's, and it is continuing yet. I belong to the generation of Americans who grew up in the great depression—like some of you, I daresay. I not only remember the long lines of unemployed at factory gates—I stood in them, every day at daybreak all one icy winter. I cannot only recite the history of the New Deal and its great leader—I also remember that one of its reforms saved my parents' home from the mortgage holder, that one of its emergency programs put my father to work, and that I received my own first increase in pay, from $9 a week to $14.50 a week, because of the minimum-wage law. And I have not only read Franklin Roosevelt's speeches but I heard his voice coming over the old-fashioned radio in our home: "The only thing we have to fear is fear itself."

If ever a great free nation might have gone under to authoritarian revolution; if ever free men were tempted to barter freedom for bread, it was in the United States in the 1930's. But instead, unrestrained finance capitalism was thoroughly and peaceably reformed. And we erected a new structure which preserved the free enterprise system but created mechanisms for protecting the people—and business itself—against excess. Stock market regulation, social security, Federal housing, bank deposit insurance, legislation guaranteeing minimum wages and maximum hours and the right to collective bargaining, agricultural credit and extension systems, rigorous income and inheritance tax reform, the Tennessee Valley Authority and the other grand river valley developments that made deserts bloom and destroyed private power monopolies—these measures were at the time viewed with alarm; yet today they are accepted as ordinary and necessary safeguards to make a free society work.

Nor is this all. Since World War II, instead of the predicted postwar bust, we have enjoyed a postwar boom. And its most striking aspect is this: Far from fulfilling Marx's gloomy prophecy that the rich always get richer and the poor poorer, under the umbrella of the new society forged in the 1930's, the poor have moved upward, the middle class has broadened enormously, and prosperity has reached so many that we can afford to become concerned not about the quantity of what we have but about its quality—the quality of the education of our children, of the medical care of our parents, of the growth patterns of our new suburban metropolis.

I am not contending all our problems are solved. Far, very far, from it. No American conscience can lie easy while any American citizen is denied his rights because of the color of skin. But I am particularly proud to stand before you today as the representative of an American President who last week told my countrymen with unmistakable clarity: "The time has come for this Nation to fulfill its promises." And fulfill them we will, and with all the world watching.

Now, no doubt our theoretician would say that our recent social and economic revolution merely proves his case: We could do it peaceably precisely because we never bore the burden of feudalism.

But is this also true of Western Europe, of Italy, of France, of West Germany? Is it also true of Japan? In those countries, since World War II, under private enterprise nurtured by built-in government safeguards, led by farsighted statesmen both in government and in private business, and assisted by the United States, other revolutions have been wrought; other feudal classes have been broken; other masses have been lifted; other peoples have been set free; and all by peaceful means.

Indeed, the most dynamic revolution afoot on earth today is not Communist imperialism but the dramatic surge of abundance and the dramatic rise of the middle class under private enterprise capitalism. This is the force which is making the advance to the future. And Soviet colonialism, with its enslavement of peoples in so-called people's democracies, with its collapsing agriculture and its consumer starvation, is marching rapidly backward to the darkness of the past.

I would agree with our theoretician that it is difficult to reconcile the 19th century his-

tory of private enterprise with today's irresistible force of social progress. I think we all recognize that in the past some of us, North Americans and Latin Americans alike, in one Latin American country or another, while committing ourselves in principle to social change, have said, "But, of course, we mustn't rock the boat here."

But I think we recognize now that no rational confidence in an unchanged society is possible in today's world. Confidence today requires the expectation of change and progress, of social betterment, of dramatic, sometimes explosive and confused, sometimes even frightening and dangerous change.

I remind you that the heart of the free enterprise we cherish is risktaking. Call it venture capital, call it risk capital, call it by any name, its heart is risk.

We have not feared change and risk in the past. This is why we have progressed. We cannot fear it now if we intend to survive.

But there is more. Every one of us here, traveling through the lovely but impoverished countryside of Latin America, contemplating not only its beauties but its misery—every one of us who has left his office and walked through the barrios where the displaced camposinos dwell in squalor without job or decent home, where a single barrio contains 1,000 unchecked cases of raging cholera and where nine human beings, a man and wife and seven children, exist in a 6-by-6 thatched hut with a dirt floor and a single bed—every one of us here today has seen such sights in these nations, sights that make us ashamed to be a human being. These men are our brothers; these children are our future leaders. This is how they are passing their formative years. I have seen them, you have seen them, we all have seen them. And I say to you that the revolution to which we are dedicated is not necessary because we must defeat the Communists. It is necessary because it is morally right; because these people deserve a better life; because they belong to the family of man. It is, quite simply, necessary if we really believe with the Psalmist that the Creator is mindful of man, that He "hast made him a little lower than the angels."

What, then, must we do?

Our chosen instrument in this part of the world is the Alliance for Progress.

It would be superfluous, not to say presumptuous, for me to discuss the Alianza at length with you gentlemen. I shall content myself with four observations.

First, it cannot be said too often that the Alianza is widely misunderstood as a U.S. giveaway program and that, as Assistant Secretary Edwin Martin has said, the United States is "strictly a junior partner" in the Alianza.

Second, I agree with Senator HUBERT HUMPHREY that delays are still much too long and businessmen "quite rightly do not care to wait 18 months" to find out whether a project qualifies for an investment guarantee; and that in the lending process in general, "the unconscionably long delays must be eliminated."

Third, at the same time, too much progress cannot be expected too fast. The Alianza is not a recipe for instant utopia. In this slow hard business of nation-building, we would all be better off if we stopped thinking in terms of target dates, deadlines, and final victory, for although on the first Wednesday after the second Monday in November every 4 years in the United States we know who won the election, only our children's historians, perhaps not us at all, may know whether the Alianza has won. (Though we may know if it loses.)

Fourth, we have learned from the experience of the Alianza's first 21 months that Latin America is not postwar Western Europe, and the Alianza is not the Marshall plan, for the conditions are different. True, we need highways, powerplants, factories, ports, all the tools of economic development. But what we need just as badly is human development. I am not speaking now in the general terms of social justice. I am speaking of education, especially vocational education—specifically, of management and administrative skills, both in government and in private business, and of skilled labor. It may well be that not only capital but an equally valuable contribution which foreign private enterprise can make at this stage is the skills and habits of trained and expert work—on-the-job training, intramural schools, sometimes shared, as Mr. Morrison suggested, with outsiders. And it may well be that government's most valuable contribution can be made in education—primary and secondary education, adult education, and vocational training, particularly in public administration and agriculture, using not only traditional methods but audiovisual techniques, radio, and television. As Adlai Stevenson has said, "People are the one common denominator of progress. No improvement is possible with unimproved people. Advance is inevitable when people are liberated and educated."

I should like to discuss one final matter briefly.

I do not know but I can guess that underlying all your deliberations this week has been a sometimes spoken, sometimes unspoken, but always vital question: The question of confidence.

The statesmen of the Inter-American Social and Economic Council, who framed the Charter of Punta del Este, agreed that if the Alliance is to work, governments alone cannot do everything; fully 80 percent of the needed capital investment must come from the private sector. The question is: Will it come? Does private capital possess enough confidence to invest?

The returns are not all in yet, but the short-term results suggest that the issue is in doubt. Senator HUMPHREY wrote that in the first year of the Alianza, "Too many wealthy Latin Americans are still refusing to make large new investments. U.S. firms are reluctant to make large new investments." David Rockefeller has said that in the first year total investment came "hearteningly close to the target," but too much came from governments, too little from the private sector, and he added, with, I thought, considerable grace, that many Latin American capitalists "sought safer havens for their money abroad."

Almost daily we hear that a "climate of confidence" must be created. What creates confidence? And what undermines it?

The answers will vary from country to country in this hemisphere of differences. But I think we might agree on half a dozen factors of importance:

Capital, the traditionally timid million dollars, desires political stability. It dislikes upheaval and confusion, which interfere with business as usual.

Capital desires monetary stability. As Mr. Rockefeller has said, governments "cannot put local capital to work effectively in an inflation-ridden economy where the price level soars sixfold as it did between 1953 and 1961 in Brazil, 10-fold as in Chile, or 26-fold as in Bolivia."

Capital applauds fiscal responsibility—a balanced budget, an efficient public administration, a sensibly managed public debt, realistic exchange rates instead of debilitating exchange controls, a free market unhampered by artificial monopolies.

Capital wants a government strong enough not only to insist on tax and land reform but on labor responsibility; and labor wants a government strong enough to guarantee its right to true collective bargaining.

Capital wants honesty in government, a government with a reputation as impeccable as that of Caesar's wife.

Capital wants a good market and a high rate of economic growth—but I would point out that it is mainly capital itself which must create growth and markets. Today in Latin America millions of people dwell not only in misery but entirely outside the money economy itself; and as the Alianza improves their lot, they will become your customers, your new and untapped market. What is good for the people and their standard of living is good for business. The rising tide lifts all the boats.

And yet, when all this has been said, I think it leaves unsaid the one thing which frightens capital, both foreign and domestic, more than anything else in Latin America today. It is something seldom talked about in public, though ceaselessly in private. It is the almost nameless dread that this country or that will "go Castro," "become another Cuba." And to this question I should like to address myself.

Let me begin by saying that everyone recognizes that Communist Cuba exists and that it is a clear and present danger to the peace, democracy, and freedom of the hemisphere; that its treacherous leader betrayed the legitimate aspirations of the revolution made by the Cuban people and handed their country and themselves over bodily to a foreign colonialism; that today Castro's Cuba is the first Soviet beachhead in the New World; that from it Castro seeks to export violence and subversion throughout the hemisphere; and that, in the succinct words of the Punta del Este conference, Castro's Cuba is "incompatible" with the principles of the Inter-American system.

We know that, as Senator HUMPHREY has said, Castro is no military threat to the United States, except as an extension of Soviet military power. But we also know that he is a real threat to the other American Republics—that he is training guerrillas and exporting them, sending out propaganda if not weapons; that he is seeking to infiltrate other Latin American nations and governments on every level, especially the military, the labor movement, youth groups, and certain key government ministries; and that in addition he seeks a mass following in the yearnings of the restless and long-neglected masses of barrio and campo.

But let us for a moment look beyond Cuba. Let us look beyond that tragic country to the new bastion of democracy here in the Dominican Republic, and to the great nations to the north of this island, and to the great nations to the south and west.

And let us remember these nations would confront pressing, even explosive, social and economic problems if Castro were removed tomorrow, indeed, if he had never existed. As Senator HUMPHREY has said, "We must keep in mind that Cuba, however important, is only a part of the total problem. * * * If the Alliance for Progress is to succeed in meeting the staggering problems of poverty, illiteracy, maldistribution of wealth, and economic stagnation in vast areas of Latin America, we must administer and support the Alliance with the same sense of urgency that presently motivates our thinking about Cuba."

I would suggest to you that it is not only Castro's arms and his guerrillas, his subversive agents and propaganda experts, which threaten our governments and endanger our progress.

I would suggest that it is, also, the fear we feel about him.

For Castro possesses the dangerous potential of strengthening the extreme right in Latin America. Men of property and of goodwill, fearing the spread of the Castro disease to their own countries, may become deflected from their forward march to progress; may be tempted to seek refuge from the storm in a rightist storm cellar instead of moving confidently ahead toward progressive reform.

Men afraid of Castro may hesitate to invest in the future of the Alianza and of their own countries. For the Alianza demands a wrenching readjustment of national wealth

and power, and thus tends to encourage the very political and social unrest they might not fear without Castro but do fear with him—for who knows, they ask, whether they can trust the politics of hope when the politicians preaching hope may turn out to be Fidel's agents?

In brief, we are in danger not only of being subverted or attacked by Castro but also of being mesmerized and paralyzed by fear of him.

Why else, but for fear, would we allow the leftist extremists in some cases to take over the nationalist reform movements which are perhaps the most powerful force at large in the hemisphere today? Close to Russian's borders, as in Hungary and Rumania, nationalism is on our side; but not always in Latin America. Yet it should be. For Soviet colonialism never permits national identity—it destroys it. But we encourage it—as President Kennedy has said, "Diversity and independence, far from being opposed to the American conception of world order, represent the very essence of our vision of the future."

Why else, but for fear, would we invent the bogeyman of the red superman—in the face of the evidence of the wreckage of Cuba's economy, the Soviet diplomatic disaster in Guinea, and the shipment of Soviet snowplows to Burma?

Why else, but for fear, would we dissipate our energies looking under the bed for Communists when we should be looking to modern technology for the techniques of social betterment—or to the stars for inspiration?

Why else, but for fear, would responsible men sometimes mistrust and doubt the governments of the leaders of the democratic left in Latin America? For they are in fact, as anyone knows, the governments constitutionally elected by the people themselves, and responsive to the legitimate aspirations of the people. And they do in fact, as anyone knows, represent the hopes of freedom in our hemisphere today.

No, it is really asking too much to ask a developing nation to go through the industrial revolution, the revolution against colonialism, emergence from feudalism, the great depression, and McCarthyism in a single year, or even a single decade.

We must not slide back into an unfortunate past, when patriotic but misguided men made us afraid of shadows; when journalists well-intentioned but incompletely informed distorted our perception of reality; when friends of freedom were deceived into fostering the schemes of adventurers. We must take care today that our assessment of the Castro menace is not beclouded by unreasoning fear. We must be vigilant but sensible.

Let us never close our eyes to the very real danger of Castro Communist subversion. But let us not permit that danger to blind us to our might or deflect us from our goal, to tie our hands or paralyze our will or mesmerize our minds.

Let us remember that, as Victor Hugo said, "No army can destroy the force of an idea whose hour has come." Our idea is a better way of life, and peace and freedom, for our peoples and our children. And its hour has come.

Gentlemen talk of confidence today; but I would remind you, as visitors to this Republic, of what really destroys confidence. It is Trujillo, and all he stood for. The knock on the door at 4 a.m., the unsuspected police informer next door or in one's own family, friends who disappear into prisons whence none return, the jackboot, the slave labor camp, wire taps, spies, surveillance, the murder factory, all the odious trappings of the police state, and above all fear itself—this is what destroys confidence. Look back in this Republic 2 years, or 30 years. Who could even be confident he would be alive tomorrow? Look back 2 years or 30, and ask what happened to people's confidence in each other, even in themselves. Trujillo destroyed it. He destroyed it by the fear he spawned. Look across the seas today to tragic Hungary and Rumania and East Germany and ask what is happening to confidence. The Soviets are destroying it. Their weapon is fear.

Confidence is not merely what bankers demand. Confidence is what blesses family life. Confidence is what makes good neighbors. Confidence makes friendship possible. Confidence is what enables men to live together. Confidence is the glue that binds civilized society together.

And fear is what corrodes and finally destroys it. Fear of Trujillo. Fear of the Kremlin. Fear of Castro.

Fear is our enemy, the irrational intangible fear that unnerves and corrodes and destroys.

Why should we be afraid? We come from great nations. We know what needs doing and how to do it. We know that social betterment and economic progress—a better life for the ordinary man—is not merely the bar to Castro but the only acceptable road to national independence and individual human dignity. We know that to be independent, a people must be free. And to be free they must be educated. And to afford education they must have bread. We know that change is long overdue in this part of our world and that it is inevitable, and if the developing nations assume unfamiliar configurations, we should welcome them nonetheless, not force them into a procrustean bed. We know that change is the only certitude of life. We know that risk and danger are the lot of our generation. We know that now for the first time we possess the technological knowledge to destroy the earth—or abolish poverty from its face. And what we do today will shape this choice. We know that this is the terror and the glory of being alive today. We know our decisions will decide our children's fate, even their survival. We know the human spirit can soar. We know its only chains are fear. And we can hear the echo of the past, in an hour of different peril and a moment of great decision, the echo of the voice of Franklin Roosevelt: 'The only thing we have to fear is fear itself."

And on that note, which struck home because it bespoke the yearnings of millions and the greatness of one, but which prevailed because it spoke the truth, I choose to leave you, confident of your confidence in yourselves and your future. Let us put fear aside. And let us get on with our great work.

Thank you.

SENATOR ERVIN'S VIEWS ON CIVIL RIGHTS

Mr. RUSSELL. Mr. President, all who have served in this body with the distinguished senior Senator from North Carolina [Mr. ERVIN] know that he is one of the ablest constitutional lawyers in public life today. Even in the extreme hysteria that has been generated in this country in the effort to whip a misnamed civil rights bill through Congress before the American people have an opportunity to read and understand the "fine print," Senator ERVIN is measuring up to the highest traditions of this body by patiently, carefully, and judiciously analyzing the extreme and unconstitutional grants of power which the administration is seeking at the hands of this Congress.

The country is fortunate indeed that Senator ERVIN is a member of the committee conducting the hearings on this bill. Despite the one-sided reporting often manifest in discussion of this issue, a few able columnists and commentators, without regard to their personal views on the problems involved, are fairly reporting many aspects of this matter to their readers.

Such a column is that written by Mr. Max Freedman and published in the Washington Evening Star of Monday, July 22, 1963, entitled "ERVIN Views Worthy of Hearing."

Mr. President, I ask unanimous consent that the article may be printed in the body of the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, July 22, 1963]

ERVIN VIEWS WORTHY OF HEARING—SENATOR HELD ONE OF WISER SPOKESMEN FOR SOUTHERNERS ON RIGHTS ISSUES

(By Max Freedman)

In fairness, the considered case of the South against civil rights legislation should be judged not by the extreme statements of Governor Barnett of Mississippi and Governor Wallace of Alabama but by the comments of its more thoughtful and responsible spokesmen.

We may not agree with the southern case even when it is stated in its most persuasive form. But at least we owe the South the primary courtesy of recognizing that generous and honorable southerners can have honest doubts about the proposed legislation. We merely widen the gulf between the races and between North and South if we assume that every opponent of a civil rights bill is the embodiment of cruel prejudice and nothing else.

Among the wiser southern spokesmen in the Senate, few have a stronger position than Senator ERVIN of North Carolina. He had a distinguished career in the South as a lawyer and judge before he became a Senator. Even now he is more at home with constitutional principles than with political prejudices. He is respected by the Members of both parties and by most students of the Senate. His presentation of the southern case to the Senate Judiciary Committee deserves the attention even of those who disagree most profoundly with his values and his objectives.

Senator ERVIN believes the Federal Government is seeking an unconstitutional grant of power from Congress in the public accommodations section of its civil rights bill. As he sees it, existing laws permit any white Southerner to use his own property as he thinks fit. The owner of this property can select his own customers. He can choose to serve only white customers or only Negroes or he can be agreeable to doing business with both races. The decision is his to make.

A local or State authority in the South has no right to give orders on this point to the business merely because it issues a license. The license is imposed as a tax, not as a certificate to make the business an agency of the State. Senator ERVIN argued that the Federal Government cannot cite any valid or controlling precedents, either under cases affecting the 14th amendment or the commerce clause, to justify the exercise of this new power now.

He thought the law had been correctly stated in a recent case by Justice Harlan of the Supreme Court. Justice Harlan said on May 20, 1963, that "the ultimate substantive question is whether there has been State action of a particular character, whether the character of the State's involvement in an arbitrary discrimination is such that it should be held responsible for the discrimi-

nation." Senator ERVIN took this formulation of the law to mean that the 14th amendment only applies if the State itself is responsible for the discrimination; and the commerce clause does not apply at all unless it can be tortured into an altogether new meaning. Either way the power of the Federal Government to interfere with a State or a private business, to end racial discrimination, is sharply limited.

Then Senator ERVIN criticized as totally unfair and unjust the provision in the administration's bill under which a person can be allowed a reasonable fee for his lawyer if he wins a private action to vindicate his right to equal treatment in a place of public accommodation. But what happens if he loses the case? The bill says nothing about the owner of the business who has successfully defended himself againt the charge of discrimination. Senator ERVIN thinks the owner, in these circumstances, has an unanswerable right to the payment of his lawyer's fee. Any other decision means that the Department of Justice is trying to establish equality of rights through unequal law.

He also regretted various provisions in the bill which allowed the Federal Government to take action to end racial imbalance in a school. This power could be exercised even if it meant that white or Negro children had to be transported considerable distances to a new school. Although there are numerous references in the legislation to racially imbalanced schools, the term is never precisely defined. The definition is left to the "uncontrolled imagination" of the Federal Commissioner of Education.

Another point made by Senator ERVIN concerned the relationship of civil rights legislation to a house built with a loan from the Veterans' Administration or the Federal Housing Administration. He thought there was a clear danger, in the North as in the South, that the owner might have trouble selling the house to a person of his own choice if the terms of the sale offended the Federal Government's notions of racial justice. He saw the same risk of interference in hospitals benefiting from the Hill-Burton Act or other Federal funds. There might be ugly questions about the composition of the medical staffs in these hospitals, or the assignment of patients to various wards.

Senator ERVIN described Attorney General Kennedy as the "principal political officer of the administration." He warned against the discretionary power which would be given to the Attorney General in this bill. The risk was present, he declared, that this power would be used with political motives rather than to serve disinterested justice or to advance the pure cause of racial justice.

THE RIGHT OF ASSEMBLY AND PETITION

Mr. RUSSELL. Mr. President, whenever so-called civil rights measures come before Congress, we always encounter the difficulty of delineating exactly where one man's rights end and another man's begin. We now have a new issue before the country, namely, when the unquestioned constitutional right of assembly and petition for the redress of grievances becomes a violation of the law of the community where such an assemblage is held.

I would be the last to challenge the right of assembly or petition; but I also remember that Justice Holmes said that, while the right of free speech exists in this country, no person has the right to shout "fire" in a crowded theater.

Some of the so-called peaceful assemblages are certainly in that category.

I have read an interesting editorial entitled "When 'Justice' Challenges 'Order,'" which was published in the Norfolk Ledger-Star, and reprinted in the Charleston, S.C., News and Courier of July 21, 1963. I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Charleston (S.C.) News and Courier, July 21, 1963]

WHEN "JUSTICE" CHALLENGES "ORDER"

To hear Dr. Martin Luther King tell it, on his visit to Suffolk the other day, the preservation of order isn't of much consequence when it comes to a matter of justice.

This view came out when he criticized "the so-called moderates, who are more devoted to order than to justice."

In a sense, Dr. King performed a useful service in those few words. For he brought into unusually sharp focus a collision of values which forms the most explosive ingredient in the current swirl of racial troubles.

This relationship between order and justice, of course, is an old, old question. Since tribal times, order has been an essential element of any kind of social structure. And while tyrants have again and again used the instruments of order to perpetuate injustice, the maintenance of order has been just as essential to the preservation of hard-won individual rights and to everything that has lifted people out of ignorance and misery.

Even the freest of peoples, and certainly the American nation represents one of the farthest advances to date, have found it imperative, in the words of the preamble to our own Constitution, to "insure domestic tranquility."

For the founders, though they had joined in rebellion themselves against a government, faced the reality that the new government must protect itself against rebellion. The laws and the force necessary to that end were among their first creations.

Similarly, safeguards against civil disturbance and violations of the law must exist at all levels of authority if what we have here is to survive.

The theory that violence, or threats of violence, or situations inviting violence, may be used in behalf of justice, is one that can be condoned only in the extremes of governmental repression and in the absence of democratic channels for working remedies.

Because our system of agreed law is simply the best we have been able to work out so far, there are almost bound to be injustices in some degree. Some can be corrected faster or more completely than others. Further, there are human inequalities which governments can do only so much to correct anyway.

We would have only anarchy if all such victims of injustice considered themselves automatically freed of obligations to obey the law and possessed of the right to act violently against the rest of society.

When someone applies the label "justice" to something, as Dr. King does, this does not thereby render anything he does to that end either right or tolerable, not if we have anything in this country that is worth keeping.

For the "order" Dr. King sees as less than precious today may be indispensable tomorrow to preserve some of the very things he and his people are striving for.

THE PEACE CORPS

Mr. RUSSELL. Mr. President, the Peace Corps has been an unusual innovation in our foreign relations. It is one measure that has met with general approval throughout the country.

I received in my mail—and I feel certain other Senators have received a copy of the same communication—a letter written by three young Americans who are teaching in the area of Addis Ababa, Ethiopia. They state in their letter that all the information that has heretofore been released to the American people has been released by those who direct the Peace Corps. I believe that is generally true. I do not know of any committee that has been sent into the field in an attempt actually to examine the work of the agency in various parts of the world; but I found the letter from Addis Ababa to be quite interesting. The three members of the Peace Corps who wrote to me have given their impressions of the Corps, in which they are serving at this time. I ask unanimous consent that the letter may be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PEACE CORPS,
POST OFFICE BOX 1096, ADDIS ABABA,
Ethiopia, July 4, 1963.

The Honorable RICHARD B. RUSSELL,
U.S. Senate,
Washington, D.C.

DEAR MR. RUSSELL: We are presently Peace Corps volunteers serving in Ethiopia as secondary schoolteachers. After completing 1 year of service, we have decided that there are some things which ought to be brought to the attention of the general public at home concerning Peace Corps activities.

We believe that members of the Peace Corps currently serving overseas should be given the opportunity to express some of their opinions. We further believe that a story about the opinions of Peace Corps volunteers by an independent reporter would be a service to the country.

The Peace Corps is supposedly one of the most successful new programs of the present administration. It is an infant Government agency which desires to expand its operations and increase its budget. Before Congress votes on new appropriations for the Peace Corps, we feel that the general public and Congressmen are entitled to more information about its activities. Are the objectives of the Peace Corps worthwhile? According to the Peace Corps Act of September 22, 1961, the purpose of the Peace Corps is:

"To promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people."

Few people will deny that these are worthy objectives. The next question that should be asked is, "Based on present information, are these objectives being achieved?" Also, "Could these objectives be achieved by some method superior to those at present employed by the Peace Corps?" We believe that these questions could rightly be the subject of some independent study. We also believe that the general public is entitled to this information, because it is the public that must pay for Peace Corps operations.

At present information concerning the Peace Corps comes almost exclusively from Government sources. This is because few groups independent of the Government have

made studies of the Peace Corps, and also because few Peace Corps volunteers have completed their service overseas and returned to tell of their experiences. We believe that the information presently available through Government sources is inadequate. The Government may not be deliberately trying to manage Peace Corps publicity; however, we believe that since the Peace Corps staff is apparently already convinced of the Peace Corps' success, they tend to be biased in the information that they release to the general public. The presentation of such a one-sided view does not give the public an objective view of Peace Corps merits, and does not give them the opportunity to judge accurately whether they want to pay for an expanded Peace Corps. Biased Peace Corps publicity is not only detrimental to the general public but is also detrimental to prospective Peace Corps volunteers. Misrepresentation before and during training sometimes requires extensive readjustment by the volunteer after arriving in the field. There is some disillusionment and disappointment sometimes resulting in the resignation of volunteers from the Peace Corps.

A story about Peace Corps volunteers by an independent reporter would offer an opportunity for volunteers now in the field to express their individual hopes, opinions, and criticisms of the Peace Corps. These opinions, we believe would show a wide divergence of views on a great many subjects. If nothing else, they would dissipate the myth of the Peace Corps volunteer stereotype that current publicity seems to present to the public. We would like to offer, as a few examples, some of our opinions based on 1 year of experience.

Though we were told that we would suffer physical hardships, and though we expected them when we came, it is our opinion that very few volunteers in Ethiopia have experienced physical hardship. Publicity at home appears to emphasize the hardships that are endured by a minority and ignores the fact that most volunteers live in comparative comfort. Peace Corps publicity also states that volunteers live at a level comparable to a national who is serving in the same occupation as the Peace Corps volunteer. In reference to the Ethiopia project this publicity is completely false. Volunteers do not live on as high a level as State Department officials or Peace Corps administrators, but they also do not live on as low a level as Ethiopian nationals who teach secondary school.

It appears to us that there is confusion in Peace Corps administration. We received misinformation regarding Peace Corps policy while we were in training. Now it is seemingly impossible for us to ascertain our rights and obligations in the Peace Corps. Peace Corps administrators do not know the policies and do not provide us with written copies of Peace Corps policy. One begins to question the basis upon which administrators arrive at decisions. The Peace Corps administration also encourages the concept that all Peace Corps equipment is Government-owned and consequently may be used by any volunteer. We believe that this leads to the denial of responsibility by everyone and results in the misuse of Government equipment. All these things are not conducive to high morale in volunteers. It is our opinion that a study should be made to ascertain whether the purposes of the Peace Corps could not be better achieved through Government subsidization of private organizations rather than through direct Government action.

In conclusion, we believe that—because the success and proposed expansion of the Peace Corps is an important issue at this time; because most of the information about the Peace Corps is obtained exclusively from Government sources which are perhaps biased; because this bias tends to describe all Peace Corps volunteers as stereotyped, selfless, dedicated, idealistic people, ignoring the fact that there are widely divergent types of people in the Peace Corps; and because we feel that Peace Corps volunteers should be able to express their individual opinions of the work they are doing to the public at home—a magazine or newspaper story independently reporting the successes and failures of Peace Corps volunteers in the field would be a service to the country.

Sincerely yours,

RAYMOND T. DONALDSON.
THELMA BINGHAM.
PHILLIP W. BINGHAM.

SLEEPING BEAR DUNES

Mr. HART. Mr. President, over the July 4 weekend the Public Lands Subcommittee of the Senate Interior Committee visited Michigan's Sleeping Bear Dunes and held a 3-hour public hearing on S. 792, the Hart-McNamara bill to establish a national lakeshore in that area.

The opposition turned out in large numbers and reiterated its blanket opposition to the proposal; and others in the area explained why they favored it.

On July 8 the Detroit News commented on the situation in a well-balanced editorial. In comment, I would point out that our Sleeping Bear Dunes bill goes to new lengths in lakeshore legislative history to assure continued private ownership of homes and expanded functions of a lakeshore advisory committee on which local citizens would be represented. It provides for permanent private ownership of the homes within the area, in perpetuity, and it establishes a permanent advisory committee with which the Secretary of the Interior is directed to consult—particularly with respect to park development and rights of property owners, both residential and commercial.

Mr. President, I ask unanimous consent that the Detroit News editorial be inserted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Detroit News, July 8, 1963]

DUNES PARK FUROR

Opposition to Senator HART'S proposal for a 77,000-acre park in the Sleeping Bear Dunes area of Michigan is as understandable as the enthusiasm of others to see it accomplished.

The opposition is grounded in the fear that control over the holdings and homes of local residents and owners will pass to a not too responsive Washington agency, the Department of the Interior. This feeling of a loss of independence and local decision-making power undoubtedly is a deeper issue than the size of the area to be embraced and the prospect of a tourist invasion.

Proponents of the park rightfully argue it is a last opportunity to preserve for posterity a peculiarly distinctive part of Michigan's dwindling national beauty and share it with all. Here is the familiar standoff that occurs always when what is good for the many for years to come is weighed against what pleases local residents in their lifetimes.

Certainly local opposition to the project was amply and convincingly demonstrated at the Frankfort hearing by a U.S. Senate committee on July 4. The setting of the hearing guaranteed that. Held in the area of potential park users, say in Detroit or Chicago, the results and sentiments expressed might have been directly opposite.

To resolve these differences should be the goal of park proponents. That can be accomplished, it would seem, only by giving local residents some guarantee their voices will be heard to a sufficient degree in the administration of the park if it is created.

SOVIET ANTI-SEMITISM

Mr. KEATING. Mr. President, a detailed survey of current anti-Semitic activities through the world has been published by the American Jewish Committee's Institute of Human Relations. It is a clear and comprehensive analysis of discrimination against a minority group struggling for religious freedom. It is not surprising that the Soviet Union is one of the greatest offenders.

Anti-Semitism inside the Soviet world is an old story. Moscow turns it on or off whenever it suits Soviet purposes. Inside Russia itself, Jews are, in effect second-class citizens. They are consistently discriminated against, and often are used as scapegoats. In the Soviet Union, where the state stands for atheism, Jews are considered a separate national group. No recognition is given to religion. Anti-Semitic discrimination seriously impairs their nationality rights—despite Soviet claims.

We in the United States properly view these developments with revulsion and anger. To express our strong feelings, our Government should bring this problem to the attention of the world, and should seek some means of its solution or alleviation. Certainly our Government should not hesitate to publicize and document the religious persecution which continues throughout the Soviet Communist empire.

Mr. President, I ask unanimous consent to have printed in the RECORD, following my remarks, the article published by the American Jewish Committee's Institute of Human Relations, which specifically deals with anti-Semitism in the Soviet Union.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SOVIET UNION

In November 1962, the only synagogue in Lvov, the capital of the Western Ukraine, was closed. It had served a community of about 30,000. The closing was the culmination of an intensive yearlong campaign by the Communist party paper, Lvovskaya Pravda, which charged the synagogue with being "a shelter for idlers, speculators, parasites and moneygrubbers." In the spring of 1962, several members of the board had been arrested, convicted and imprisoned for "profiteering and hooliganism."

The identification of the synagogue with economic malpractices was purposeful, indeed symbolic. Jews have been the prime targets of a drive against "economic crimes"; of the 58 trials for such offenses held in 36 cities from the start of the campaign until March 1963, more than half have involved Jews.

ECONOMIC CRIMES

Beginning in May 1961, the Soviet Union enacted decrees extending the death penalty to economic offenses like pilfering public or state property, counterfeiting, currency speculation and bribery. Most observers interpreted this drastic move as an attempt to wipe out the nearly universal graft and corruption in Soviet industry and agriculture. Such practices are an inevitable response to the realities of the Soviet econ-

omy: shortages of raw and manufactured goods, unrealistic production goals, a complex bureaucracy and a low standard of living. As experts on the Soviet Union have pointed out, bribery to obtain needed supplies and graft to cut through redtape are often necessary if the economy is to function under these conditions. In a wider sense, the economic offenses express a desire to eke out, by whatever means, some measure of "private" security in a tightly controlled, Spartan economy.

The death penalty is being publicized to frighten those involved in economic malpractices, and to scare off others who may be tempted by the financial rewards. During the 2-year period from May 1961 to April 1963, 141 persons were reportedly sentenced to death for economic offenses. Cases of this sort are covered more extensively in the Soviet press than others; the Government wants as many people as possible to learn that death by shooting is the ultimate penalty for economic crimes.

The barbaric severity of the punishment has shocked the outside world—witness a recent petition initiated by Henry Steele Commager, Lewis Gannett, William Ernest Hocking, Martin Luther King, Linus Pauling and Norman Thomas, and signed by 223 other prominent American scholars and clergymen. The document urged the Soviet Union to repeal the decrees on the ground that "the conscience of mankind rebels against excessive and inhumane punishment, of which capital punishment for economic crimes is a lamentable example."

JEWS AS SCAPEGOATS

No less disquieting is the fact that nearly 60 percent of those put to death for economic offenses have been Jews. The International Commission of Jurists has pointed out that the application of the death sentences shows "racial overtones," and that the number of Jewish-sounding names in the lists of the condemned is strikingly large. Observers of Soviet affairs believe that this is not accidental—that Jews, being a vulnerable minority, are made scapegoats for the bureaucrats in charge of the vast production and distribution machinery and forced to bear the brunt of public discontent with shortages or inferior quality of goods. In addition, Jews are singled out for object lessons showing how severely the state regards economic crimes.

The Soviet press emphasizes the Jewishness of the defendants in various ways. Repetition of obviously Jewish-sounding family names like Kaplan, Shapiro, Rabinovitch, Goldman, Zuckerman is most common. When the surname alone is not clearly Jewish, the first name and patronymic may be given in full instead of being abbreviated as is the normal practice; thus A. L. Kraisman appears as Abraham Lazarevitch Kraisman, and M. I. Maly as Mikhail Isaakovitch Maly.

In mass trials involving dozens of people, Jewish names appear more frequently than others. For example, of 47 defendants in a trial in Frunze, the capital of the Kirghiz Soviet Socialist Republic, more than half were Jews or related to Jews—though Jews constitute less than 1 percent of the population in the Kirghiz Republic. Nine named individuals "and others" were reported to have received death sentences; four of the nine bore Jewish names.[1] Analysts of the press reports believe the defendants' names were presented in a manner intended to stress the high proportion of Jews.

In another trial, at Dnepropetrovsk in the Ukraine, 24 defendants were accused of manipulating the price of apples. Though the majority were non-Jews, only the Jews were singled out for death sentences.[2]

Jewish defendants are depicted in the crudest anti-Semitic stereotypes as manipulators of gullible non-Jewish victims. Yet in reality most of the Jews executed for economic offenses occupied relatively minor posts, whereas non-Jews, who received light sentences, often held responsible positions. For example, at a trial in Leningrad, on charges of diverting goods from official trade channels, a Jew named Kraisman was sentenced to death, though he was only an agent employed by the several trade organizations involved; the top officials, factory directors and managers received short prison terms.[3]

In some cases the press and the prosecution stressed the Jewishness of the defendants by referring to their religious observances. Apropos of Mordekh Kakiashvili, who was shot for currency speculation in Tiflis, Georgia, the local paper wrote: "Even the religious books of the Torah have been used" to hide foreign currency. Later, the paper reported that the defendant had refused to sign a statement of his testimony on a Saturday because of his religious convictions, and that "speculation went on in full swing in the Lord's temple. While praying, they emptied each other's pockets."[4]

In Vilna, four Jews were sentenced to death for currency speculation, among them the first woman convicted in a case of this nature. Here the press and the prosecution involved the synagogue and the rabbi in the proceedings. The national trade-union daily, distributed throughout the Soviet Union, claimed that the defendants had gone to the local rabbi to settle their financial disputes, and concluded with an unmistakably anti-Semitic note: "These people stood apart from our life. They were not interested in how the Soviet people live."[5] The case was also used for an attack on religion in general. According to one report, witnesses testified about the complicity of "representatives of the clergy of different religions," specifically local Catholic priests, as well as the local synagogue.[6]

In singling out Jews for economic offenses, publicly identifying them as Jewish through emphasis on their affiliation with the synagogue (the only Jewish institution remaining in the Soviet Union), punishing them more harshly than non-Jews in more responsible positions, and shooting a disproportionate number of them, the Soviet Government practices Stalinist policies even while condemning them.

Soviet leaders consistently deny that the Government's policy toward economic offenders is in any sense anti-Semitic. Thus, Premier Nikita S. Khrushchev wrote to Bertrand Russell in February 1963:

"It is for the sake of justice that our people have to punish those who want to live at the expense of others, to rob our society. The attempts of reactionary propaganda to ascribe to our State pursuance and encouragement of the policy of anti-Semitism are not a new phenomenon."

Similar denials have accompanied the closing of synagogues, the arrest of congregation leaders, and the ousting of congregation officials. But there can be little doubt that such acts are intended as attacks on the remnants of Jewish community structure.

THE CAMPAIGN AGAINST THE SYNAGOGUE

Though all religions are subject to restrictions and hostility in the Soviet Union, Judaism is singled out for special disabilities which add up to a program of planned attrition.

Jewish congregations, unlike others, are isolated; they may not form national or regional associations by which they might help one another and maintain spiritual unity. Religious leaders are not permitted to leave the country for visits with Jewish officials or institutions elsewhere, while members of other faiths have visited coreligionists, attended conferences, gone on pilgrimages, and even studied abroad.

For nearly 40 years, Jewish congregations have been forbidden to manufacture urgently needed religious articles such as prayer shawls and phylacteries, whereas other religious bodies have been authorized to acquire new vestments, ikons, and the like. And Jews have not been free to print religious calendars, except that during the last 2 years a few synagogues received permission, late in the Jewish calendar year, to produce small quantities for their own use.

While the Russian Orthodox Church, the Roman Catholic Church, the Moslems, and other creeds have been provided with facilities for training reasonable numbers of clergymen, there were no provisions for rabbinical training until recently, and there are hardly any now. In 1957, a rabbinic academy was opened in Moscow, but was never permitted to function properly. Its building needs were not met, and its enrollment, always limited to 20, has been whittled down to 3 or 4 through bureaucratic maneuvering.

Finally, a harsh discriminatory restriction is implicit in the Government's long-standing ban on the Hebrew language. Whereas most of the religions represented in the Soviet Union conduct their rituals in the congregants' languages, Judaism requires some knowledge of Hebrew for an understanding of services and prayer books; but none has been taught since 1917. During the same period, no Hebrew Bible and only one token edition (3,000 copies) of the Prayer Book have been printed. Therefore, most Jews who still attend synagogue cannot actively participate in the service. No comparable restrictions are imposed on the Moslems, who use Arabic as a special language for religious purposes; an Arab Koran was issued in 1958.

THE BAN ON MATZOH

In 1962, the Government discontinued its previous practice of providing flour, labor and facilities for baking matzoh, the unleavened bread used during the Passover season. Householders were advised to prepare a supply at home (a method few could follow, because of technical and ritual difficulties), but at the same time the press featured semiofficial attacks on private baking.

Since then, individuals who sell home-baked matzoh have been imprisoned for conducting private businesses, violating health regulations, "illegal commercial activities" or "price speculation."

The ban on matzoh production climaxed a policy of harassment dating back to 1957. Beginning in that year, the amounts produced by state bakeries were progressively curtailed. Synagogues were accused of making huge profits from the "illegal production" and sale of matzoh; in 1960, the officers of the Riga congregation were charged 115,000 rubles in taxes on their alleged private profits, and elsewhere synagogue officials were forced to resign their positions.

Like other restrictions on Jewish religious practices, the campaign against matzoh apparently is intended to separate Soviet Jews from their historical traditions. The press has virulently attacked the ancient feast of Passover, which commemorates the liberation of the Hebrews from slavery in Egypt and their emergence as a religious people. Such traditions, it is alleged, are chauvinistic; they "give rise to nationalist feelings, and poison the minds of Jews by diverting their thoughts to 'the land of their fathers' (while killing) love for the Soviet motherland."[7]

[1] Sovietskaya Kirghizia, Frunze, June 25, 27, 1962; July 22, 1962; Izvestia, Moscow, July 22, 1962.

[2] Pravda Ukrainy, Kiev, Apr. 4, 1962; Trud, Moscow, Mar. 21, 1962.

[3] Sovietskaya Rossia, Moscow, Jan. 27, Mar. 1, Aug. 26, Nov. 16, 1961.

[4] Zaria Vostoka, Tiflis, Nov. 26, 30, 1961.

[5] Trud, Moscow, Jan. 16, 1962.

[6] Sovietskaya Litva, Vilna, Feb. 3, 1962.

[7] Sovietskaya Moldavia, Kishinev, July 23, 1959.

JEWISH CULTURE CURTAILED

Unlike other minority groups in the Soviet Union, Jews are not free to carry on a cultural life in their own language. Official quarters insist that Russian Jews are culturally assimilated and not interested in Yiddish—despite the fact that in the 1959 census 20 percent of them did name it as their mother tongue.

In 1948, all of the country's Yiddish journals and publishing houses, cultural and literary research institutes, theaters and dramatic schools were abruptly closed, as was the large Yiddish school system. Since then, such cultural activities have been permitted to resume only on a severely limited scale. The Minister of Culture, Ekaterina Furtseva, has indicated that any Government moves in this field are merely gestures addressed to the Soviet Union's friends abroad.

Until the late 1950's, Yiddish song recitals and literary readings by old artists remained virtually the only cultural expressions permitted. The response was great; though not of a high standard, the performances attracted a total audience of 3 million in 1957 alone. Today a handful of Yiddish theatrical and musical groups, all amateur, are active; they are in great demand in the major cities, but their schedules are sharply limited, and their achievements do not begin to compare with those of the Soviet Yiddish theater in the days of its professional glory.

Beginning in 1959, half a dozen Yiddish books, all by authors long dead, were reissued, but only in small editions (10,000 to 30,000), which were soon sold out. In 1961, after years of insistent pressure from abroad, the Government permitted publication of a Yiddish magazine, Sovietish Heimland.

Reference works and textbooks published in recent years treat Jews and their cultural achievement as virtually nonexistent. For example, a recent edition of the "Great Soviet Encyclopedia" devotes only 2 pages to Jews, as against 116 in an earlier edition.

DISCRIMINATION IN PUBLIC LIFE AND EDUCATION

Since World War II Jews have been eliminated from the Soviet Union's political leadership to a striking degree. As far as is known, there are none in the upper echelons of the Communist Party or the Government, with the sole exception of V. E. Dimchitz, first deputy chairman of the planning office. Before the war, 4.1 percent of the deputies to the Supreme Soviet of the U.S.S.R. were Jewish; by 1958, the figure had dropped to 0.25 percent. Jews are underrepresented in the supreme Soviets of most constituent republics, especially those three—Russia, Byelorussia and the Ukraine—where most of them live.

Careers of Jews, especially at the local level and that of the constituent republics, are markedly limited by discrimination. For the higher executive positions the rule seems to be "last hired, first fired." Jews have virtually disappeared from sensitive areas like the diplomatic service and the armed forces. Elsewhere, for example in cultural and scientific pursuits, especially able Jewish individuals may still be found in the middle ranks; but the Jewish share of employment in higher education, science and political life has not kept up with the nation's expanding opportunities.

VOICES OF PROTEST

As the Soviet Government's anti-Semitic policies have become increasingly plain, much indignation has stirred in the outside world. To name but one protest among many: in December 1962, a telegram to Premier Khrushchev, drafted by the American Jewish Committee and signed by American religious leaders of all faiths, scored discriminatory acts against Jewish religious and cultural institutions.

Inside the Soviet Union, too, certain intellectuals have been shocked to realize that anti-Semitism is once more being actively fostered. A protest, unusually explicit by Soviet standards, was voiced during 1961 by one of the country's most popular poets, Yevgeny Yevtushenko, in a poem entitled "Babi Yar."

Babi Yar is a ravine, just outside Kiev, where the Nazis murdered about 100,000 Ukrainian Jews in 1941. No monument marks this tragic place; the Government has remained coldly indifferent to all requests for one and, indeed, has generally remained silent about the holocaust of European Jewry under Hitler. In his poem, Yevtushenko, though not a Jew, identifies himself with suffering Jews from the days of Egyptian bondage to those of Hitler, and ringingly indicts those who would carry on the evil tradition of persecution in present-day Russia. He points up the existence of a historic Jewish people, which Soviet doctrine denies.

"Babi Yar" appeared in a journal published by the Soviet Writers Union and created a sensation.[8] A few days after its publication, the journal of the Writers Union of the Russian Federated Republic printed several attacks on Yevtushenko, in which his depiction of anti-Semitism in Russia was rejected.[9] In the ensuing conflict between "liberal" and party-line writers, anti-Semitism became an issue; the liberals deplored it, while the adherents of the party line denied it existed.

On December 18, 1962, the "Thirteenth Symphony" by Dmitri Shostakovich, Russia's best-known composer, had its premiere in Moscow. The symphony contains a choral section, set to word from "Babi Yar." The day before the first performance, Khrushchev and other top members of the Soviet Government met privately with several hundred prominent intellectuals and writers; at this meeting, complaints were made that the verses would be used by "enemies of the Soviet Union" to support charges of anti-Semitism. Yevtushenko subsequently changed the text for the second performance of the symphony, in February 1963, adding Russians and Ukrainians to the Jews who lie in Babi Yar and omitting a slogan ascribed to anti-Semites ("Thrash and kikes and save Russia"). The music was not altered.

AN INEXTRICABLE VISE

The best and most recent survey of the condition of Russian Jews is "The Status of the Jews in the Soviet Union" by Moshe Decter.[10] The article concludes:

"In sum, Soviet policy places the Jews in an inextricable vise. They are allowed neither to assimilate, nor live a full Jewish life, nor to emigrate (as many would wish) to Israel or any other place where they might live freely as Jews. The policy stems, in turn, from doctrinal contradictions abetted by traditional anti-Jewish sentiments. On the one hand, the authorities want the Jews to assimilate; on the other hand, they irrationally fear the full penetration of Soviet life which assimilation implies. So the Jews are formally recognized as a nationality, as a religious group, as equal citizens—but are at the same time deprived of their national and religious rights as a group, and of full equality as individuals."

"Soviet policy as a whole, then amounts to spiritual strangulation—the deprivation of Soviet Jewry's natural right to know the Jewish past and to participate in the Jewish present. And without a past and a present, the future is precarious indeed."

[8] Literaturnaya Gazeta, Sept. 16, 1961.
[9] Literatura i Zhizn, Sept. 21, 1961.
[10] Foreign Affairs, January 1963.

FOREIGN STUDENTS AT CORNELL UNIVERSITY

Mr. KEATING. Mr. President, student exchange programs between the United States and foreign countries can play a very worthwhile role in international relations. If foreign students have an opportunity to get a true picture of our country, then we hope they will always retain a better understanding of the workings of the U.S. Government and of our goals as a nation. Since many of the students will be the leaders of their nations in years to come, it should be a vital part of U.S. efforts to promote student exchange programs. The program along these lines offered by Cornell University is an example of a highly successful effort to introduce foreign students to American life. I was very glad to be able to meet these students in Washington and to learn of the important work through this program by Cornell University. Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks the text of this article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOREIGN STUDENTS GIVEN CLOSEUP VIEW OF U.S. PEOPLE AND GOVERNMENT

WASHINGTON.—For the more than 60,000 foreign students now in the United States, living abroad is both a pleasure and a challenge.

The pleasure is derived largely from their favorable impression of Americans, whom they have come to know as friendly, generous and sincere people. The challenge is the basic one of adjustment to a different way of life.

Some 150 countries are now represented at 1,800 U.S. colleges and universities. Their languages, traditions and mores cover a wide range, and sometimes the leap from a comparatively quiet world to the bustle of an American metropolis is not only confusing but painful for a student. Even at a small-town college he is confronted by strange and bewildering customs.

Fortunately, the young visitors do not face their problems alone. Those who are involved in the rapidly expanding student-exchange movement—and this includes not only universities but private organizations, foundations, and the U.S. Government—are eager to facilitate the foreign student's adjustment to American life.

Special orientation courses are given at the start of the school year, and most colleges have foreign student advisers whose task it is to give advice as needed on everything from religion to money, and who often act as a bridge between the students and the townspeople.

All this helps create an atmosphere of mutual understanding. As one young man from Malaya remarked after 9 months of contact with Americans, "I may not agree with everything you do, but at least I think I understand why you do it."

In the course of their stay in the United States, the students have an opportunity to participate in American life not only at school but also in their communities. For 9 years the 294 people of Burns, Kans., have invited groups of foreign students from the University of Kansas to share their Thanksgiving Day and experience life in a typical small town in the Midwest. Other communities periodically invite foreign students to spend weekends with local families who are always delighted to meet people from other lands.

One of the major schools playing host to foreign students is Cornell University, located in upper New York State. Its 17 colleges, which offer specialized education in everything from agriculture to hotel management in addition to the traditional liberal arts course, attract young people from every part of the world. At present its foreign student population numbers more than 850 persons representing 85 foreign countries.

Cornell, like other institutions of its kind, makes a special effort to give these young people as broad and true a picture of life in the United States as possible. A recent weekend spent by a group of foreign students was typical of the programs arranged for them.

Among the 40 were young people from the Middle East, Europe, Canada, the Far East, Africa, and Latin America—22 countries in all. Included in the group were couples from Japan, Ireland, Australia, Chile, and Turkey, as well as four nuns from Canada.

The students came down by bus from Cornell to Washington in the manner of ordinary tourists, but during their long weekend in the capital they saw and heard much more than the casual visitor. Thanks to the cooperation of many individuals and Government departments, they obtained new insight into the political system under which Americans live.

Even before their arrival the visitors from abroad were made to feel welcome, for many more homes had been offered than there were students. As a result, some families which were unable to give the students overnight hospitality entertained them at dinner. In each case, the hosts were Cornell alumni, working in cooperation with the International Student Office at Cornell.

The students, many of whom are expected to assume positions of responsibility on their return home, were given an opportunity to talk with some of the men who are engaged in decisionmaking in the legislative branch of the Federal Government.

At a luncheon in the old Senate Office Building, Senator KENNETH KEATING of New York told the students that, while intolerance exists among some groups in the United States, "they represent only a minority, and a minority that is steadily getting smaller." Senator EDMUND S. MUSKIE of Maine, describing himself as the son of an immigrant from "Russian-occupied Poland," said that everyone in America is a member of a minority. "We have majority rule in this country, in a democratic ideal," he said, "but because we also belong to minorities, we are careful to protect the rights and interests of minorities."

During the weekend the group visited the Department of State, where Daniel W. Montenegro, Director of the Office of Public Services, described the structure of the Department and how American foreign policy is carried out. Later he freely answered questions made by the students.

At the National Aeronautics and Space Administration, Arnold W. Frutkin, Director of International Programs, discussed its operations, explaining that this program involves cooperation with other countries, and that it is an agency for exchange of information with others. He pointed out that, in a number of instances, the United States has worked hand in hand with other countries in making space probes.

Subsequently the students were conducted on a special tour of the White House, visited the National Gallery of Art, the Supreme Court Building, the Lincoln Memorial, the Smithsonian Institution, and the Jefferson Memorial.

It was a busy weekend for the students and obviously a rewarding one, for they later summed up the program as "typical American friendliness."

AUTHORITY TO WITHHOLD FEDERAL FUNDS BECAUSE OF RACIAL DISCRIMINATION

Mr. HART. Mr. President, some weeks ago, together with the senior Senator from New York [Mr. JAVITS], I directed to the several executive agencies inquiries in order to determine whether they felt they were administering any Federal-funds program which in any region of the Nation discriminated because of racial or religious reasons.

Since then, I have had printed in the CONGRESSIONAL RECORD the responses which have come to me from the various agencies.

Today I submit, and ask to have printed in full in the RECORD at the conclusion of my remarks, the response, dated July 23, from the Department of Labor. The letter is very short, but is most informative.

As this record accumulates, I believe we shall find increasing reason to support the title of the administration's omnibus civil-rights bill which will make very clear that the use of Federal funds in a way which subsidizes discrimination is neither intended nor desired by Congress; and certainly the present President and his successors should take action to prevent it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE UNDER SECRETARY,
Washington, D.C., July 23, 1963.

Hon. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: This is in further response to your letter of April 29, 1963, requesting information about the authority of the Department of Labor to withhold Federal funds from programs in which racial discrimination occurs. Secretary Wirtz has asked me to respond to your inquiry.

It is the position of the Department of Labor that we have sufficient legal authority to condition grants of Federal funds upon assurance that the funds will be administered in a nondiscriminatory manner. It is on this legal ground that the Department has initiated administrative actions to end segregated facilities and services in State employment security offices; to end discrimination in apprenticeship programs registered with the Bureau of Apprenticeship and Training of the Department of Labor and to condition approval of Manpower Development and Training Act projects on the requirement that selection and referral to such projects shall be performed in a nondiscriminatory manner. In view of this authority, therefore, the Department does not feel it needs the enactment of specific new legislation.

As you know, however, the legal position of the Department of Labor may not be identical to that of other Departments of Government. In his recent message to Congress on civil rights and job opportunities, President Kennedy stated:

"Many statutes providing Federal financial assistance, however, define with such precision both the Administrator's role and the conditions upon which specified amounts shall be given to designated recipients that the amount of administrative discretion remaining—which might be used to withhold funds if discrimination were not ended—is at best questionable."

The President, therefore, called for enactment of "a single comprehensive provision making it clear that the Federal Government is not required, under any statute, to furnish any kind of financial assistance—by way of grant, loan, contract, guarantee, insurance, or otherwise—to any program or activity in which racial discrimination occurs." The Department of Labor supports enactment of legislation that would authorize administrators to withhold Federal funds, where they do not already have such authority, from programs in which racial discrimination occurs.

With best wishes and kindest personal regards, I remain

Sincerely yours,

JOHN F. HENNING,
Under Secretary of Labor.

SUPPORT OF TOBACCO CURBS

Mrs. NEUBERGER. Mr. President, several weeks ago I counseled the leaders of the tobacco industry that this Nation would not tolerate a token response to the fundamental challenge now facing the industry in the form of the medical indictment of smoking.

Now, each day brings new evidence of expanding public pressures for root reform of cigarette marketing practices. Monday's New York Times alone contained three distinct major articles dealing with the approaching crisis in cigarette merchandising.

From Berkeley, Calif., the Times reported that the State Public Health Department was calling for remedial legislation to curb cigarette sales, including increased cigarette taxes, limitations upon vending machine sales, and restrictions upon the free distribution of cigarettes on airplanes and at universities.

From Buffalo, N.Y., the Times reviewed the vigorous and imaginative "war on cigarette smoking" conducted by Dr. George E. Moore, director of the Roswell Park Memorial Institute—a war symbolized by the cartoon propped up outside Dr. Moore's office entitled "The Big Flip-Top Box for the Smoker"—a coffin.

Finally, there was the always admirable and informative advertising column of Peter Bart, which has been filled for many months with graphic accounts of the advertising industry's vain efforts to wish away the clinical evidence against smoking by brave pronouncements and declarations of high-sounding principles. Yesterday, Mr. Bart reported on a by-product of the proven hazards of smoking: the proliferation of "smoking deterrents"—antismoking pills, chewing gum, and so forth and their advertising schemes. Mr. Bart reports, not surprisingly, that various advertising media, sensitive to the interests of the major cigarette advertisers, are extremely reluctant to accept "smoking deterrent" advertising which suggests that smoking is in any way hazardous.

These articles appear in a single issue of the Times. They are indicative of the type of story which abounds in the Times and other responsible newspapers and magazines throughout the country.

On Monday I also received a clipping from the Portland Oregonian of an eight-column article reporting the views of the justly famed cancer surgeon, Dr. Alton

Ochsner, who flatly predicts that a million teenagers living today will die from lung-cancer before they are 70 years old unless the Nation's smoking habits are radically altered. And, from the Oregon Labor Press, a review of the strong evidence against cigarettes by Dr. William Sawyer.

I ask unanimous consent that the three New York Times' articles and the excerpts from articles in the Portland Oregonian and the Oregon Labor Press be reprinted at this point in the RECORD.

There being no objection, the articles and excerpts were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 22, 1963]

CURB ON CIGARETTES URGED IN CALIFORNIA

BERKELEY, CALIF., July 21.—Legislative action, no later than 1965 to reduce cigarette smoking has been proposed to the State board of public health here.

The proposal was part of a program offered this week. Dr. Lester Breslow, chief of the Division of Preventive Medical Services of the Public Health Department.

Presenting a 56-page report reviewing studies on "cigarette smoking and health," he asserted:

"The evidence now indicates that cigarette smoking has such a profoundly harmful effect on health that it should be abandoned. While the task ahead seems enormous, it is unavoidable."

The legislative action might include an increased tax on cigarettes, Dr. Breslow said, or possibly "greater restrictions on vending machines."

He also suggested restricting the free distribution of cigarettes on airplanes and at universities.

[From the New York Times, July 22, 1963]

SCIENTIST PRESSES FIGHT ON SMOKING

BUFFALO, N.Y.—Proposed outside the office of the director of the Roswell Park Memorial Institute was a large cartoon with the caption:

"The Big Flip-Top Box for the Smoker."

It was a coffin.

That sums up the general feeling at the institute, which is one of the Nation's chief cancer research centers.

About 1,000 teenagers had seen the cartoon a few days previously at a public health meeting. It was one more phase of the institute's war on cigarette smoking.

If you ask for a match at Roswell, you may get a book of them. The message on the cover is: "Danger, Smoke Less. Measure Your Smoke for Safety."

Roswell scientists think it is safer to smoke only the first inch or so of a cigarette. The theory is that the rest acts as a filter.

INSURANCE RISK GREATER

Recently the institute published a 14-page booklet, "Health Hazards of Smoking." Among the items: Heavy smokers who are 35 years old have chances of dying before 65 that are almost twice as great as those of a nonsmoker, the booklet said. Two life insurance companies, it added, are offering nonsmokers lower premiums.

The cigarette-vending machines have been removed from the lobbies and corridors at Roswell.

Within a year, the institute hopes to open a clinic for people who want to stop smoking. It may be the first of its kind in the United States.

The man behind this intensive but low-budget campaign is Dr. George E. Moore, Roswell's 43-year-old director. Dr. Moore has never smoked but has worked 14 years on the relation of tobacco to some of the more than 100 basic kinds of cancer.

His conclusion: Cigarettes are a cause of lung cancer. Dr. Moore views the annual American lung cancer death rate of more than 40,000 as an epidemic.

Explaining his feelings about his work, Dr. Moore says:

"It's hard not to be thought a missionary about this subject. If you could operate on lung cancer and become a famous surgeon, the number of people you would save would be relatively small—probably less than 5 out of 100 if you saw a lot of people. On the other hand prevention would be infinitely more important. We are attacking by this rather difficult route."

HABIT DISCUSSED

He believes most people are convinced that cigarettes cause lung cancer.

But if so, why do they smoke?

"I think," Dr. Moore said, "they feel that there is a hopeful doubt remaining. They would like to feel that there still is a controversy among knowledgeable physicians and scientists about the matter—which there is not, in my opinion."

Dr. Moore does not agree with contentions that there is not enough evidence to support the theory that cigarettes are a cause of lung cancer.

"We don't think there needs to be further studies in humans as far as the clinical proof," he says. "Over 98 percent of our patients with lung cancer are heavy smokers and the disease is extremely rare in nonsmokers. And this is proof enough as far as we're concerned.

"Furthermore, this is not just a correlation. You can derive an increasing incidence of deaths from lung cancer as you have an increasing frequency of smoking."

[From the New York Times, July 22, 1963]

ADVERTISING: DRUGS AND THE SMOKING HABIT

(By Peter Bart)

The cigarette industry's decision to impose certain voluntary restrictions on its advertising, apparently has encouraged producers of "smoking deterrents" to step up their promotional efforts.

Makers of these deterrent products, however, complain that their campaigns are inhibited by the reluctance of certain advertising media to accept their ads.

Smoking deterrents are drugs that are designed to help smokers shake the habit. Some leading brands contain chemicals whose effects on the nervous system are roughly similar to that of nicotine.

The number of deterrent products is proliferating. Hudson Vitamin Products, Inc., a national mail-order company, is about to start an extensive campaign on behalf of a new product called Smokurb. Hudson says its product contains two ingredients that simulate cigarette effects and also, as a chewing gum, provides the oral gratification inherent in cigarette smoking.

Eli Schonberger, president of Pace Advertising Agency, Inc., Hudson's agency, says his campaign for Smokurb has been rejected by some magazines and radio stations. "We didn't create this campaign to get into a fight with anyone," he said, "but some media just stall and put us off in the hope that we'll go away." Ads for Smokurb will nonetheless appear in several New York newspapers and radio spots also will be used.

"Let Hudson help you stop smoking," says the headline on one Hudson ad. Copy steers clear of what Mr. Schoenberger calls emotional words. Says he: "One newspaper even asked us not to say that smokers crave cigarettes on the ground that crave was an emotional word."

Another new deterrent, called Nikoban, also is widening its advertising. Nikoban, produced by the M. R. Thompson division of the J. B. Williams Co., Inc., has been the subject of an extensive direct-mail advertising campaign aimed at physicians. Ads also have been run in medical publications.

The most widely advertised deterrent probably is Bantron, which is made by the Campana division of Purex Corp. Bantron ads generally use testimonials by such figures as Sam Snead, the golfer; Otto Graham, a former professional football player, and Mickey Mantle.

Though Bantron ads have run in Life and Time, some magazines like Look and Sports Afield have turned them down. The Saturday Evening Post started accepting Bantron ads recently.

Media generally are vague on their reasons for rejecting ads for smoking deterrents. One major magazine turns down the ads on the ground that products for relief of addiction are unacceptable. One implicit reason for reluctance to accept ads for deterrents presumably stems from the fear of offending major cigarette advertisers.

Cigarette producers recently have sought to allay public criticism by announcing voluntary restrictions on their advertising. The companies said they would stop the practice of giving millions of free cigerettes to college students, would not sponsor TV shows aimed mainly at young people and would avoid use of youthful looking models in their ads.

Though the cigarette companies may cut back their campus activities, one cigarette producer says is will vastly step up its college ads. The company is Notob Products, Inc., producer of Sentry, a vegetable fiber cigarette. "Since Sentry contains no tobacco and, therefore, no nicotine, we plan to advertise in all major campus publications," says Gerald M. Schaflander, president of Notob.

[From The Oregonian, Portland, Oreg., July 18, 1963]

FAMED SURGEON CITES GRIM STATISTICS OF CANCER DEATHS CAUSED BY CIGARETTE SMOKING

A million teenagers living today will die of lung cancer before they are 70 years old, unless something is done about it.

The ugly statistic was sounded loudly here Wednesday by a famed surgeon, Dr. Alton Ochsner, emeritus professor of surgery at Tulane University. He will address the Northwest Cancer Conference opening at the Sheraton Hotel, Thursday.

Dr. Ochsner also scored doctors, Catholic priests, parents and teachers for failing to accept their responsibilities about cigarette smoking. To the statement on how many teenagers will die, he added five more slowly emphasized words:

"From a disease which is preventable."

"If we said fallout would kill that many," said the New Orleans surgeon, flown across two States to save Ben Hogan's life in 1949, "you can be sure that something would be done about it—and done right now.

"Lung cancer," he explained, "is a disease which 30 years ago was almost nonexistent. It is now the most frequent of all cancers. Up until 1955, cancer of the uterus and cancer of the breast exceeded it.

STUDIES CITED

"Next year, in this country, there will be more people die of cancer of the lung—a preventable disease—than from automobile accidents," he said.

Of the evidence against cigarettes, Dr. Ochsner has no doubt.

Dr. Ochsner cited a series of studies on people and cigarette smoking, first started by the American Cancer Society, of which he was once president, and since then supported by some half dozen similar and careful studies in this country, in Canada, and Great Britain.

In them the smoking and medical histories of almost 2 million people have been

followed. The American Cancer Society study shows this, he said:

"The overall death rate from all causes is 105 percent higher among cigarette smokers than nonsmokers.

"The death rate from heart disease is 15 percent higher."

The death rate from lung cancer is 800 percent higher.

Now look at some new findings, recently released by the director of public health for Massachusetts, said Dr. Ochsner, concerned about the teenagers:

The individual who began smoking after he was 20 years old has a death rate from lung cancer of 14 per 100,000 population.

Those who began between 15 and 20 years of age have a death rate of 40 per 100,000 population.

RATES COMPARED

Those who began between 10 and 15 years, have a death rate of 80 per 100,000 population.

It probably means two things, said Dr. Ochsner, "the person who began smoking early has already damaged his lungs 10 years worth, and the earlier he begins, the more susceptible he is to lung cancer."

Dr. Ochsner said that the highest incidence of lung cancer in the world is on the Isle of Jersey, where more cigarettes are consumed per person than anywhere in the world, where there is no tax on cigarettes and where more children smoke.

He said 40 percent of all cancer cases on that island are lung cancer, and pointed out that 77 percent of children there between 13 and 15 years of age smoke cigarettes.

Insurance companies put higher premiums on obese persons who have a 1.42 times greater death rate from cardiovascular problems than those who are not fat, said Dr. Ochsner. But he wagged his head in disbelief at what he termed their complete disregard of the eight times greater death rate from lung cancer among cigarette smokers—"to say nothing about heart disease and emphysema (cigarette smokers have much greater rates of death here than nonsmokers)."

"Here you are," he said, in scornful tone, "condoning a form of self-destruction. This is a form of suicide just as sure as putting a bullet in one's head. But that is quick, cheap and relatively painless.

"Lung cancer is prolonged, damn expensive—and painful. All one has to do," he said sadly, "is watch one person die with cancer of the lung or of emphysema.

"It would be too bad to lose $12 million a day in Federal cigarette taxes," said Dr. Ochsner, "but, think of the unnecessary illness and death."

He believes America, as Great Britain, should curb cigarette advertising of "manliness, strength and virility" and particularly advertising which can reach young people.

[From the Oregon Labor Press, Portland, Oreg., July 19, 1963]

DR. SAWYER SAYS: LUNG CANCER A MAJOR KILLER

(By Dr. William A. Sawyer)

I was asked recently by a good friend who smokes too many cigarettes just what is the low-down on the dangers of tobacco smoking. He apparently thought I might have something special to tell him that I haven't told many others. There are no secrets about recent evidence of the dangers of cigarette smoking.

As forcefully as I knew how, I told him something like this, and I repeat it here because I want everyone interested in the effects of cigarette smoking to understand the true facts.

First, there is abundant evidence that cigarette smoking plays a significant part in causation of lung cancer, bronchitis, and coronary heart disease.

There are about 40,000 deaths a year from lung cancer. Research authorities say that 30,000 to 36,000 of these deaths can be blamed on cigarette smoking. This is more deaths than occurred in the U.S. Armed Forces in 3 years of fighting in Korea, and about equals the deaths from auto accidents in a year.

During the past 45 years, lung cancer has changed from an infrequent to a major cause of death. Men and women in late middle age up to 65 are most seriously affected, when family and work responsibilities are at their highest. While deaths from lung cancer have been increasing, deaths from some forms of cancer have been declining.

Deaths from heart disease, too, are much higher among cigarette smokers than among nonsmokers. Smoking is an important cause of thrombo-angiitis obliterans, a disease in which blood flow is interfered with, chiefly in the vessels of the legs. Chronic bronchitis, with its cigarette cough, is unquestionably related to too much smoking. There is definite evidence that a cigarette smoker's length of life is less than that of a nonsmoker.

Recent investigations have revealed that the risk of dying in the prime of life is almost twice as great for heavy cigarette smokers as for nonsmokers.

Of American men 35 years of age, 41 percent of the heavy smokers may expect to die before age 65, compared to 23 percent of nonsmokers.

Among American men 50 to 70, the death rate for all causes is 123 percent higher for heavy smokers than for nonsmokers. For moderate smokers it is 34 percent higher.

With all these facts, doctors and Public Health officials have taken little positive action so far as trying to curb cigarette smoking. I believe the U.S. Public Health Service is contemplating some education of the public, in view of their awareness of the harm to the Nation's health. In England, the medical profession and public health officials seem much more stirred up about all this.

While the American public seems somewhat aware that lung cancer may follow excessive cigarette smoking, the individual smoker does not relate these hazards to himself. He thinks it can't happen to him. Well, it can. It has happened to some of my friends.

Most thinking people will agree that moderation at least is desirable as regards the use of cigarettes. Sometimes it is easier to stop altogether.

THE BILLBOARD BLIGHT

Mrs. NEUBERGER. Mr. President, today the House of Representatives is considering the Federal-Aid Highway Act Amendments of 1963, which include a 2-year extension of the Federal billboard control regulations, during which States may elect to participate in this program. The program expired on July 1, 1963.

Eighteen Senators have joined with the Senator from Kentucky [Mr. COOPER] and me in sponsoring S. 1676, to extend the time during which States might enter into an agreement with the Secretary of Commerce to control advertising adjacent to the system of interstate and defense highways. States which enter into such an agreement receive a bonus of an additional one-half of 1 percent of the Federal share of the cost of the highway. Just recently the first bonus payment was made to the State of Kentucky.

Since the enactment of the billboard control provision in the Federal-Aid Highway Act of 1958, 20 States have entered this program. These States are Connecticut, Delaware, Hawaii, Kentucky, Maine, Maryland, Nebraska, New York, North Dakota, Oregon, Pennsylvania, Virginia, Washington, West Virginia, Wisconsin, Ohio, Vermont, New Hampshire, New Jersey, and Rhode Island.

Mr. President, I again urge the Senate Public Works Committee, to which our bill has been referred, to give prompt and favorable consideration to extending the billboard control provisions.

Mr. President, on July 15 a highly effective editorial was published by the Waukegan (Ill.) News-Sun entitled, "The Billboard Blight." I ask unanimous consent that the editorial be printed at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE BILLBOARD BLIGHT

The opportunity for a motorist and his family to enjoy unobstructed scenery on our new interstate highways may become a thing of the past unless Congress acts quickly. If it does not, the driver may be confronted with miles upon miles of billboard advertisements, garishly lauding the virtues of everything from aspirin to zithers.

In 1958, a far-sighted Congress authorized control of outdoor advertising within designated limits of the routes of the Interstate System. States which agree to ban all except "informational" signs within 660 feet of rights-of-way were to receive incentive payments of an extra one-half of 1 percent of the cost of interstate projects within their boundaries.

Congress extended the law for another 2 years in 1961 over opposition of the billboard and motel lobbies. The law expired June 30, although both the House and Senate have extension bills in the hopper.

On June 25, the House Public Works Committee reported out the Federal Aid Highway Amendments of 1963 which include a 2-year extension of the billboard bonus. Senators JOHN SHERMAN COOPER, Republican, of Kentucky, and MAURINE NEUBERGER, Democrat, of Oregon, have also introduced bills in the Senate calling for an extension of the law.

President Kennedy recognized the necessity for such a law when he urged in 1961 that the billboard control section be extended for 4 years and that a State's bonus be increased from one-half of 1 percent to 1 percent. He hinted darkly that a "variety of pressures" had prevented States from taking advantage of the 1958 provision.

The President stated his position in unusually strong language: "The Interstate Highway System was intended, among other purposes, to enable more Americans to more easily see more of their country. The system was not intended to provide a large and unreimbursed measure of benefits to the billboard industry, whose structures tend to detract from both the beauty and the safety of the routes they line.

"Their messages are not, as so often claimed, primarily for the convenience of the motorist whose view they block. Some two-thirds of such advertising is for national products."

But while it is imperative that Congress keeps the bonus arrangement in effect, it will be largely wasted effort unless the States get tough with their own billboard requirements to qualify themselves for the bonuses. So far only 19 States have taken advantage of the incentive plan and Illinois is not among them. Only Wisconsin and Ohio from the Great Lakes area have qualified.

Illinois is on the outside looking in because the State senate highway committee 2 years

ago succumbed to the blandishments of the billboard lobby. The cost to the State at the time was estimated at $4 million in lost Federal aid. Another attempt was made this year. Senate bill 795 was introduced April 23 and promptly referred to committee. The death knell was sounded June 18 when action was tabled.

In Kentucky, the billboard industry has lost the first round in its battle to void a law banning billboards within 660 feet of interstate highways. The ruling is still pending before an appellate court.

The plaintiffs complained that the act violated their constitutional privileges. The judge ruled, however, that the property rights the plaintiffs claimed would have had no value had the State not built the interstate roads. He added:

"It seems to me, therefore, that the act does not affect the taking of property to a public use, but rather the restraint of a private use by the owner which is deemed by the general assembly injurious to the safety and well-being of the public."

While billboard advertising has its place in society, when it constitutes a hinderance or hazard to the public, there is just cause for its regulation.

We hope Congress will move quickly to extend the expired law, and that the Illinois Legislature will take the necessary steps when it meets in 1965 to qualify the State under the incentive plan.

Mrs. NEUBERGER. Mr. President, I am indeed pleased that the American Society of Landscape Architects has gone on record in support of S. 1676. I ask unanimous consent to have printed at this point a letter from the executive director, Mr. Lynn M. F. Harriss, dated July 19, which expresses concern over the aggressive tactics of the outdoor advertising interests.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN SOCIETY OF
LANDSCAPE ARCHITECTS,
Washington, D.C., July 19, 1963.

Hon. MAURINE BROWN NEUBERGER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NEUBERGER: From previous correspondence you know how strongly this society opposes unrestricted outdoor advertising, especially within view of public highways.

You can readily appreciate our concern when, at the Trustees meeting last month in Pittsburgh, a report was presented by Trustee Dewald of Cleveland, Ohio, describing the aggressive tactics of the outdoor advertising interests in connection with current legislation.

Accordingly, they have instructed me to communicate with you and with Senator COOPER, expressing their complete support of S. 1676, providing for the extension of the control incentives of the Highway Act until 1965. Do let us know if there is any way we can be of service.

Very sincerely yours,
LYNN M. F. HARRISS,
Executive Director.

SMOKING AS A MAJOR CAUSE OF DISEASE

Mrs. NEUBERGER. Mr. President, we need not look very far afield to find a nation responding vigorously and appropriately to the evidence indicting smoking as a major cause of disease.

The excellent weekly journal of health news, Health Bulletin, for last week contains a brief but graphic account of the activities of Canada's young and energetic new Minister of Health, Miss Judy LaMarsh.

In the 2 months since she took office with the Liberal government of Lester Pearson—

Health Bulletin writes—

Miss LaMarsh has taken action on a series of health problems which are merely subjects of conversation in the United States. One of her first acts was to plan a curb on cigarette advertising beamed at young people. Even though Pall Mall, Ltd., advised her that it would ban all TV commercials appearing before 9 in the evening, Miss LaMarsh went a step further and said she would have her department prepare movies for her own antismoking commercials to tell young people about the dangers of smoking.

Nor has cigarette advertising been the sole object of Miss LaMarsh's vigor. The use of coal tar dyes in canned cherries, synthetic food additives in bread—a questionable practice with which I was very much concerned while in the Oregon State Legislature—and in juices, milk, prepared cereals, and margarine have all come under her critical scrutiny.

The drug consumer, too often the object of gross exploitation by the drug industry, has also aroused Miss LaMarsh's active concern. She has requested a sweeping inquiry into the sale of drugs, as well as into food contamination from pesticide residues.

Perhaps symbolic of Miss LaMarsh's devotion to the cause of public health can be found in her recent decision to quit smoking, though formerly a heavy smoker. Health Bulletin quotes Prime Minister Pearson as commenting, "It will be the best thing you have ever done."

Mr. President, I ask unanimous consent that the article entitled "Energetic Guardian of Canada's Health," from the July 13, 1963, edition of Health Bulletin be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENERGETIC GUARDIAN OF CANADA'S HEALTH

An element of surprise, youth, and uncertain dynamite has been added to Canada's Ministry of Health since Miss Judy LaMarsh became chief of that office 2 months ago. The sole woman Cabinet member and—at 38—the youngest, her activities to date portend a thorough housecleaning in her department.

In the 2 months since she took office with the liberal government of Lester Pearson, Miss LaMarsh has taken action on a series of health problems which are merely subjects of conversation in the United States. One of her first acts was to plan a curb on cigarette advertising beamed at young people. Even though Pall Mall, Ltd., advised her that it would ban all TV commercials appearing before 9 in the evening, Miss LaMarsh went a step further and said she would have her department prepare movies for her own antismoking commercials to tell young people about the dangers of smoking.

Miss LaMarsh has also refused to allow cherry canners to use coal-tar dyes and has criticized the use of synthetic food additives in bread, juices, milk, prepared cereals, and margarine. Last week she made an opening pass at the food and drug industry with a request for a sweeping inquiry into the sale of drugs and for an investigation of the possible hazards of food contamination by pesticides and other noxious substances. If Parliament OK's the drug investigation it will probably revive last year's proposal that drug patents be abolished as the only way to keep prices down.

Experienced as a practicing lawyer and former member of the House of Commons, Miss LaMarsh has a reputation as a hard-hitting debater who can take the medicine she prescribes for others. Formerly a heavy smoker, she reported for work one recent Monday morning with word that she had quit the habit. Her Cabinet colleagues ribbed her, but Prime Minister Lester Pearson said: "It will be the best thing you've ever done."

UTAH PIONEER DAY ANNIVERSARY

Mr. BENNETT. Mr. President, today marks the 116th anniversary of one of the most significant events in the history of the West, the arrival of the first group of Mormon pioneers in the Salt Lake Valley.

On that memorable July 24 in 1847, Brigham Young, the leader of that gallant band of pioneers, looked across from the eastern fringe of the Salt Lake Valley and said: "It is enough, this is the right place; drive on."

Now, 116 years later, celebrations and events throughout Utah are underway commemorating and proving again and again that this really was the right place.

Since that historic entry into Salt Lake Valley, life has changed incredibly. Among the pioneers, every man had to be his own butcher, baker, candlestickmaker, carpenter, blacksmith, tailor, doctor, and so on—so that each, working with one another, could carve an existence from the barren earth. I think it is significant that they started right out, planting potatoes that very afternoon.

Those pioneers who pressed beyond the frontiers of the Nation were literally risking their lives; and, in this case, ironically enough, those pioneers left the boundaries of the then United States in order to find religious freedom.

It is a moving experience to review the history of the Mormon exodus from Nauvoo, Ill., to the Salt Lake Valley—especially if one has driven across the country and has some idea of the distances and the diversity of terrain one crosses.

The time and distance factors are more or less simple to comprehend. But there is really no way to visualize the conditions as they were then or to comprehend the suffering, the hardships and privations they underwent, or to sense the indomitable courage they manifested when adversity was the darkest.

They traveled only 20 miles a day. Today that represents 2 minutes in a jet. To those men, women, and children it meant thousands of weary footsteps. To be sure, they rested at night; but they also realized that the next day would mean another 20 miles and many thousands more steps.

Intense drama was theirs as they made their perilous trek, struggling for survival against the elements, Indians, and sickness. But those pioneers arrived and survived. They remained, and they prospered.

To mark that date in history, the "Days of Forty-seven Celebration" was begun in Utah. Today in the streets of most of the cities and towns, banners are hanging; parades are being held; rodeos are luring crowds; and young children are eating cotton candy.

For today in Utah is Pioneer Day; it also is a day we should keep fresh our appreciation of one of the finest chapters in the record of this great Nation.

Of this great epic, H. H. Bancroft, who wrote "History of Utah," said:

There is no parallel in the world's history to this migration from Nauvoo. The exodus from Egypt was from a heathen land, a land of idolaters, to a fertile region designed by the Lord for His chosen people, the land of Canaan. The Pilgrim Fathers, in fleeing to America, came from a bigoted and despotic people—a people making few pretensions to civil or religious liberty. It was from these same people who had fled from Old World persecutions * * * that others of their descendants and associates, who claimed the right to differ from them in opinion and practice, were now fleeing.

Surely, there is no parallel to this story. What a priceless heritage, what a magnificent legacy is ours.

GHANA—THE FIRST SOVIET SATELLITE IN AFRICA

Mr. DODD. Mr. President, on July 15 the Senate Subcommittee on Internal Security released the testimony of Dr. Kofi Busia, the distinguished Ghanaian opposition leader in exile. The testimony was supported by a total of 108 documents. Commenting on the evidence submitted to the subcommittee, I said that—

The testimony and documentation presented * * * strongly suggest that Kwame Nkrumah's Ghana has become the first Soviet satellite in Africa.

A New York Times editorial in the Times of July 16, characterized my statement as "unjust to Ghana," "harmful to the position of the United States in Africa," and "irresponsible."

I felt that the New York Times editorial was inaccurate and unfair in several major respects. By way of replying to this editorial, I wrote a detailed letter to the editor. Among other things, I reminded the New York Times that, although they had similarly rejected earlier statements that Fidel Castro and Cheddi Jagan were Communists, my position in both these instances had been borne out by events. The letter in its original form was some 1,700 words long. The New York Times consented to print the letter if it were reduced to approximately 800 words in length. This morning, the abbreviated version of my letter to the editor appeared on the Times editorial page.

Mr. President, I hope that my recent exchange with the New York Times will be of interest to the Members of the Senate and I ask unanimous consent to insert into the RECORD the text of the New York Times editorial of July 16 and the unabridged text of my reply to the Times, which was printed in an abbreviated form in the Times of this morning's date.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TEXT OF NEW YORK TIMES EDITORIAL, JULY 16, 1963

The statement by Senator DODD, of Connecticut, that Ghana is probably "the first Soviet satellite in Africa" is almost as harmful to the position of the United States in Africa as it is unjust to Ghana. The irresponsibility of the statement is obvious from the fact that even Senator DODD only claims to have talked to one man, who is a respected Ghanaian opposition leader in exile, Dr. Kofi Busia.

Conclusive evidence of President Kwame Nkrumah's communism, according to Senator DODD's way of thinking seems to be that Mr. Nkrumah made a trip behind the Iron Curtain. Even Dr. Busia, for all his hostility, did not testify that Ghana in his opinion is a Soviet satellite. He argued that it is Communist oriented.

The evidence is mixed, even contradictory. The aid being given by the U.S. and British Governments and the World Bank was arranged after careful inquiries. A new Ghanaian investment law to encourage foreign private investments has just been adopted. The American Peace Corps has had a successful program.

Ghana's foreign policies do often coincide with the Soviet position; but that is a very long way from saying that Ghana—or any other African state—is a satellite. Guinea was stereotyped in the same way by many Americans until a year or two ago, when the essential African determination to be nobody's satellite became clear there—and Guinea was much nearer to being a Soviet satellite than Ghana has ever been.

None of this means that the Nkrumah government is pro-Western or democratic. Nothing could be less democratic than the autocratic, authoritarian, one-party system of Ghana, with Kwame Nkrumah as the tribal chieftain of his nation. Moreover, no one can question the fact that Mr. Nkrumah is a fanatical anticolonialist, anti-imperialist African leader with, doubtless, imperial ambitions of his own in west Africa. Besides which, he is a variation of a Marxist since he has introduced what he himself calls a policy of African socialism.

Senator DODD seems to believe all this makes Ghana a Soviet satellite. Such wild statements are, in fact, calculated to drive any African leader toward Moscow. It is hard for foreigners to realize that people like Senator DODD, fortunately, do not speak for the United States, or the U.S. Government or, in his case, even for the U.S. Senate.

UNABRIDGED TEXT OF REPLY OF SENATOR THOMAS J. DODD TO THE NEW YORK TIMES

JULY 18, 1963.

To the EDITOR OF THE NEW YORK TIMES:

In the interest of fairness, I wish to ask permission to reply to your editorial of July 16 in which you took me to task for the statement I made in connection with the testimony of the Ghanaian opposition leader, Dr. Kofi Busia.

In my statement I said that the evidence and documentation presented to the subcommittee "strongly suggest that Kwame Nkrumah's Ghana has become the first Soviet satellite in Africa." This statement, in the opinion of your editorial, was "unjust to Ghana" and "harmful to the position of the United States in Africa."

"The irresponsibility of the statement," said your editorial, "is obvious from the fact that even Senator DODD claims to have talked to only one man, a respected Ghanaian opposition leader in exile, Dr. Kofi Busia." My first comment is that I did not "talk" to Dr. Busia; I took his sworn testimony. (Dr. Busia, incidentally, is a man of unchallengeable integrity who belongs in the very front ranks of the academic world. He is a graduate of Oxford University, a recipient of Fulbright and Carnegie awards, and has been a visiting professor at universities in Holland, Mexico, and the United States.) But what your editorial failed to mention altogether is that this testimony was supported by 108 documents which convey the views and opinions of many other prominent Ghanaians, as well as numerous independent observers.

In combination, these documents and the testimony taken set forth the views of (1) Ghana's opposition leader in exile, Dr. Kofi Busia, (2) Joe Appiah and R. R. Ampousah, erstwhile members of Ghana's Parliament who were jailed for their opposition to Nkrumah, (3) the Ghana Student's Association of the Americas, (4) K. A. Gbedeman, Nkrumah's former finance minister, (5) Alex Hammah, a Ghanaian who "by virtue of his profession became intimate with the concealed Communist machinery which is being forcefully used to impose on Ghana a Communist regime," (6) 11 British newspapers, (7) the International Commission of Jurists, and (8) the International Press Institute of Zurich. But most compelling of all are the documents written by Nkrumah himself or by propagandists serving under his command.

How your editorialist could have failed to mention the existence of this documentation to your readers, I fail to understand. The only assumption that makes sense is that he did not examine the evidence before writing his editorial.

I share the belief of the New York Times that grave harm can be done by reckless or exaggerated charges against foreign governments or their leaders. There are, I am afraid, irresponsible conservatives who gratuitously denounce as Communist the Betancourt Government in Venezuela and any other mildly Socialist or reform government. Conversely, there are irresponsible liberals who are prepared to condemn as Facist any anti-Communist government which is not a lily-white democracy. Fascist and Communist have very precise meanings, and they should not be employed loosely or carelessly.

I believe that my own record will show that I have not made any indiscriminate charges of communism against heads of foreign governments. Kassem, Nasser, Sukarno, Ben Bella and other modern statesmen have sometimes carried their collaboration with the Communists to the danger point—but they are not Communists and I have never so described them. I have made this charge heretofore against two heads of government whose political identity at the time seemed to mystify many people, as Nkrumah's does today. These two men were Fidel Castro and Cheddi Jagan. In both cases my evaluations, while they did not enjoy the immediate acceptance of the State Department or the New York Times, were borne out by events.

On July 14, 1959, Maj. Pedro Diaz Lanz, former chief of Castro's Air Force, told the Senate Subcommittee on Internal Security that Castro was trying to convert Cuba into a "tool of Russia." (The subcommittee at that time already had substantial evidence on hand from other sources that Castro was himself a Communist and that his movement was Communist-dominated.) Twenty-four hours later, Herbert L. Matthews of the New York Times filed a dispatch from Havana from which I quote:

"This is not a Communist revolution in any sense of the word and there are no Communists in positions of control. * * * The accusations of Maj. Pedro Diaz Lanz before the Senate Internal Security Subcommittee yesterday are rejected by virtually all Cubans. * * * The only power worth considering in Cuba today is in the hands of Premier Castro, who is not only not Communist but decidedly anti-Communist."

Regrettably, there were many people, both in Government and out, who continued to "give Castro the benefit of the doubt," some for another year, some for almost 2 years.

On July 17, 1961, in a speech on the floor of the Senate, I warned that the election of Dr. Cheddi Jagan in British Guiana might

give us another Communist-dominated government in the Americas. There was no doubt in my mind as there was no doubt in the mind of the British Royal Commission which had investigated Jagan's activities, that Jagan was a Communist. But the official position at the time was that we should give Jagan a chance. On August 23, the New York Times commented editorially:

"Dr. Jagan has been labeled by some high American officials and some Senators as a Communist, or the equivalent of one. If this were to prove the official U.S. Government attitude, Dr. Jagan and his government would certainly be in the communistic camp alongside of Cuba very soon. If British Guiana is handled by the United States with some understanding, sophistication, and sympathy, there is every reason to hope it will become a desirable member of the inter-American system."

I rest my case with the statement that I do not think there is anyone in the U.S. Government or anyone in the New York Times who today has any doubts that both Fidel Castro and Cheddi Jagan are confirmed Communists. About Castro, nothing more need be said. In the case of Jagan, it is sufficient to note that, in greeting the arrival of a Cuban oil tanker at the height of the recent general strike, Prime Minister Jagan pledged to emulate the example of Castro and to convert British Guiana into the first socialist country on the South American Continent.

While we must be fastidious in gathering our evidence and in making our determinations, I believe that it is important to know who is a Communist and who is not a Communist—because if we are not able to make this central distinction, we can have no foreign policy worthy of the name. It is also important to face up to the fact that Communists frequently do not announce themselves as Communists and that party membership cards are more often than not impossible to produce as evidence.

In attempting to decide who is a Communist and who is not a Communist, I believe we must be guided by certain elementary rules of commonsense. Basically, it is a matter of examining the entire pattern of a man's actions and activities. If this pattern conforms to the known Communist pattern at every point—if a man consistently supports the Communist line on every issue of foreign policy; if he welcomes known Communist and Soviet agents into his entourage; if he apes Radio Moscow in assailing Western imperialism but has no criticism for Soviet imperialism; if he espouses the philosophy of "Marxism-Leninism" while denying that he is a Communist Party member; if his actions, once in power, follow the familiar Communist pattern of establishing totalitarian controls by means of the notorious "salami" technique—if, in all these respects, a man adheres to the master pattern of Communist behavior, then we have no alternative but to draw the conclusion that he is, in fact, a Communist.

Your editorial misleadingly stated that the only evidence I adduced to prove my case against Nkrumah was that he had made a trip behind the Iron Curtain. Let me present a few of the facts that led me to my evaluation of Kwame Nkrumah's Ghana.

Prime Minister Nkrumah has himself written that he long ago decided that the philosophy of Marx and Lenin was capable of solving his problems.

Nkrumah since he came to power has replaced the moderates in his entourage with known pro-Communists and extremists. (Among the American and British Communists invited to serve under him were the British traitor, Alan Nunn May, and Cedric Belfrage, a former member of Elizabeth Bentley's espionage underground.) He has consistently supported the Soviet Union and Cuba in the U.N.

In 1962, the Kremlin awarded Nkrumah the Lenin Peace Prize, which caused his own newspaper to acclaim him as the "Lenin of Africa."

Ghana under Nkrumah is the focal point for the subversion of Africa as Cuba is the focal point for the subversion of the Americas. It is widely believed in Africa, for example, that the assassination of Prime Minister Olympo of Togo was master minded from Ghana.

Like Castro's Cuba, it carries on a propaganda campaign that would tax the resources of a major country. It trains natives of other countries in the arts of infiltration, sabotage, terror, and guerrilla warfare. It exports arms by clandestine means to the opposition terrorist groups in other countries which it has fostered and today supports.

I note at this point that the Times did not dispute my statement of facts; indeed, your editorial bore out my statements in many respects. The issue, essentially, is what interpretation to place on these unchallenged facts.

I believe that, to those who have made a careful study of Communist history, the pattern of Kwame Nkrumah is as clear as the patterns established by Fidel Castro and Cheddi Jagan in their early days.

If we conceal the facts about Nkrumah and his regime, or fail to face up to the meaning of these facts, we are, in effect, helping him to maintain his dictatorship and acting against the best interests of the Ghanaian people. There is reason for believing that the Nkrumah regime is detested by the great majority of its people, by its immediate neighbors, and by many of the other African states. The publication of the facts, I am convinced will be welcomed by all Ghanaians who are fighting for their freedom and by the many African states that are endeavoring to resist the inroads of Nkrumah's subversion.

THOMAS J. DODD.

TRIBUTE TO ROBERT C. RHONE, JR.

Mr. McGEE. Mr. President, it was with a great deal of pleasure that I learned of the results of a vacancy appointment to the Colorado House of Representatives. That vacancy was filled by a Democratic executive committee which appointed Robert C. Rhone, Jr., an attorney, to fill the unexpired term.

Mr. Rhone's election by the committee is doubly satisfying to me. In the first place, this young man is the son of a good friend of mine, "Buck" Rhone, of Cheyenne, Wyo. And secondly, Mr. Rhone is a Negro and his selection signifies another reduction in the barriers that have separated Americans of different races and backgrounds.

Mr. President, an article describing Mr. Rhone's election appeared in the July 10 edition of the Denver Post. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RHONE BESTS EIGHT RIVALS—DEMOCRATS PUT NEGRO IN HOUSE SEAT

It took three ballots, but Robert C. Rhone, Jr., a Negro attorney, won a vacancy appointment to the Colorado House of Representatives Tuesday night.

Rhone, 34, of 2820 Ash Street, bested eight opponents in what amounted to a battle of proxies at a city Democratic executive committee meeting. He will replace Elmer Johnson, Democrat, Denver, who resigned July 1 to become city budget director under Mayor Tom Currigan.

Rhone is Democratic captain in northeast Denver's district 16. He was a candidate for the legislature last year, but ran 19th in a 17-seat race.

LED FROM START

The attorney took the lead on the first ballot and held it all the way as candidates with lesser support dropped—or were pushed—out. With 79 party captains, vice captains, or other officers represented at the executive committee meeting in the Petroleum Club Building, either in person or by proxy, a 40-vote total was needed to win. Rhone's votes on successive ballots, were 34, 38, and 41.

His nearest competitors on the final ballot were Wayne Knox, Denver Young Democrats president and a former State representative, and Ernest Capillupo, owner of Ernie's Supper Club. Knox had 19 votes and Capillupo, who was backed by the party's north Denver contingent, had 17.

Other contenders, none of whom were ever really in it, were Dave Slawson, Phil Lowery, Mrs. Nell Williams, Tony Lovato, Dominic Coloroso, and Roger Cisneros.

Hubert Safran, unsuccessful candidate for the city council in southwest Denver, had been listed as a candidate, but withdrew before balloting began. Only those who had received a party designation and ran in a prior general election should be considered, he said.

The party organizational meeting opened with a motion by Abe Weiner, captain in west Denver's District 7, that all candidates who did not themselves have an executive committee vote be excluded from the meeting. Rudolph Gonzales, captain in district 3, amended the motion to exclude all nonmembers, including reporters.

Gonzales' bar-the-door proposal was shouted down. Weiner's motion was declared lost by Chairman Robert S. Appel after a close voice vote.

In all, 20 proxies were voted at the meeting—and the bulk of them seemed to be in the hands of Rhone or his supporters. One nonmember proxy holder was former Gov. Steve McNichols. McNichols, now Democratic national committeeman, held the vote of Mrs. Lea Robinson, captain in district 26.

Rhone, by his victory, became the only Negro in Colorado's 65-member State House of Representatives. He will serve until the next election when, under the new legislative districting law, he will have to defeat Representative Andrew Kelley, Democrat, Denver, in a party primary to become the Democrats' general election candidate.

COURTNEY JOHNSON

Mr. McGEE. Mr. President, recently I had as my guests in Washington two young people from Wyoming—the winners of the Gale McGee Senate Internship Contest. I have already reported to this body on the many wonderful impressions these young people gained during their stay here. However, one of these young people, Courtney Johnson, of Cheyenne, has written to the Wyoming press of his impressions of his trip here.

Mr. President, Courtney's letter was reprinted in several Wyoming newspapers including the Sheridan Press. The editor of that paper added an incisive comment of his own, and I ask unanimous consent that his editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

I SENSED THE ACHIEVEMENTS

(Courtney Johnson, of Cheyenne, was one of Wyoming's high school students who received the opportunity to spend a week in Washington, D.C., under a Senate internship contest sponsored by U.S. Senator GALE MCGEE. Following are portions of a letter he wrote expressing impressions and feelings.)

"To the People of Wyoming:

"I think it would have been impossible for me to write about Washington immediately after returning. Such a trip leaves a myriad of impressions—impressions which must be carefully classified in one's thoughts. For this reason, I have postponed this letter as long as I dared; I have carefully selected certain primary ideas to share with you.

"As I walked into the Lincoln Memorial, I was confronted by the statue of the Great Emancipator. I stood and thought of the man whose face bore a record of the struggle which tested 'whether that nation or any nation so conceived and dedicated (could) long endure,' a man who truly lived 'with malice toward none, with charity for all.' At the Jefferson Memorial, I thought back still further and remembered those 'certain inalienable rights' for which our forefathers pledged '(their) lives, (their) fortunes, and (their) sacred honor.'

"In the White House I sensed the achievements of not only one great man, but many of our country's outstanding leaders. I was reminded of those leaders by the furniture, china, silverware which I saw, but most significantly by the intangible feeling of their presence.

"This abstract feeling of great men and great deeds was acutely experienced in the Senate Chambers. But, as Senator MCGEE informed me, little actual work takes place on the Senate floor. The real scrutinization of a bill goes on behind the scenes, in Senate committee meetings.

"And in the Supreme Court Building I looked with reverent awe at the nine empty chairs which seat nine exceptional men who have given their lives to the law and who now sit at the head of a system which guarantees to all of us 'equal justice under law.'

"To understand and to appreciate America is a lifelong task. But as one of the winners of the birth of the McGee Senate internship contest, I feel I have received an aid toward achieving this goal. In the best living workshop for democracy that the world has ever known, our history and our Government which I had studied suddenly came alive and took on all the deep meaning which textbooks and even teachers cannot engender."

Comment: And then we question whether our young people appreciate their heritage of freedom and the men who made it and are making it. At least this young man does, and with a more passionate idealism that most of us old folks can muster.

THE YOUNG PEOPLE OF POWELL, WYO.

Mr. MCGEE. Mr. President, on several occasions I have talked to this body about the enterprising spirit of the young people of Powell, Wyo., who converted the national craze for 50-mile hikes into a demonstration of the generosity of the American public.

The fact that these young people were able to start a campaign that resulted in the collection of more than 3,000 pounds of clothing for the people of Taraco, Peru, is an indication of their enthusiasm and effectiveness.

Mr. President, I ask unanimous consent that an article from the Powell Tribune describing the end result of this drive and a letter to me from Peace Corps Director Sargent Shriver be printed in the RECORD.

There being no objection, the article and letter were ordered to be printed in the Record, as follows:

OVER 3,000 POUNDS—TARACO CLOTHING BUNDLE LEAVES SAN FRANCISCO

Over 3,000 pounds of clothes and shoes left San Francisco Tuesday aboard the SS *Santa Juana* headed south for Peru and Walter Vande Veegaete in the mountain village of Taraco.

The ocean voyage is the final leg of a journey that started in Powell February 17 when nearly 60 students from Northwest Community College and Powell High School participated in a 50-mile President's physical fitness march to publicize a clothing drive they were holding.

The march was a success. Waiting in Cody for the marchers was nearly a ton of clothing. The same amount was raised by Powell people. For the next week clothing kept coming in from throughout the Powell Flat until the NWCC administration building lobby was nearly full.

Then came a period of frustration. How was the clothing to be shipped to Peru? By commercial carrier it would cost several hundred dollars. Then the Seventh Day Adventist Church in Powell came to the rescue. They told the group they would haul it to Peru if the clothing could be shipped to Watsonville, Calif.

BigWig Canning Co. of Cowley said they didn't mind hauling the clothes to Watsonville. Then came a real snag: the clothes had to be in Cowley to be shipped to Watsonville. Here the college group had arranged for shipping the clothes halfway around the world, but they couldn't find transportation to a neighboring town of Cowley.

L. L. Smith Trucking, of Powell, heard about the predicament and volunteered their services.

It is not known when the clothes will arrive in Taraco.

PEACE CORPS,
Washington, D.C., July 12, 1963.

Hon. GALE MCGEE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MCGEE: I was delighted to learn that the clothing collected by the people of Wyoming is on its way to Peru and will be distributed by Walter Vande Veegaete, one of our many Peace Corps volunteers from Wyoming.

It has been said that the American people are unconcerned with the rest of the world. Nothing could be further from the truth, and some very generous Wyomingites have proved it.

You can be sure that the people of Taraco, Peru, will no longer believe that Walter Vande Veegaete and other Peace Corps volunteers are unique exceptions. The successful clothing drive in Wyoming proves that helping people help themselves is part of the American tradition which has made this country the greatest in the world.

This is one more example of the people of Wyoming coming forth to help their country in the cause of peace.

Sincerely,

ROBERT SARGENT SHRIVER, Jr.,
Director.

U.S. POLICY IN THE MIDDLE EAST

Mr. SCOTT. Mr. President, the U.S. policy in the Middle East is of concern to all of us but few Members of this body have demonstrated as deep an interest and concern as has my distinguished colleague, Senator KEATING, from New York.

Dedicated to the independence of Israel, Senator KEATING has repeatedly supported policies to achieve this end. He has urged that we "leave no stone unturned to oppose Soviet moves and to demonstrate that the United States will not permit Arab encirclement of Israel or Arab aggression against the Israelis."

My able collegue's keen awareness of the current Middle East situation and his outstanding contributions toward a peaceful resolution of Middle Eastern tensions and the independence of Israel have been well described in a recent news article. Mr. President, I ask unanimous consent to have included in the RECORD following my remarks the text of this article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FROM JERUSALEM TO NEW YORK

(By Trude B. Feldman)

I first met Senator KENNETH KEATING, Republican, of New York, in Jerusalem, near the Hadassah Hospital when he planted a tree in the Keating Forest—the first of the U.S. Freedom Forests. At that time, he told me of his gratefulness to the American friends who gave funds to the forest "enabling me to symbolically live in Israel."

And during that brief visit he quipped: "As Senator from New York, I represent more Jews than Prime Minister David Ben Gurion."

Upon my return to New York, I've noted the reality of his quip about representing Jews. I've witnessed his numerous appearances as keynote speaker at Jewish functions and listened to his eloquent and heart-rending talks in behalf of Israel and Jewish causes.

KEATING is not only the foremost authority on Communist Cuba in Congress; but, this week, he spelled out strategy for a bipartisan coalition (in Congress) that could produce the margin of votes needed in any showdown on civil rights legislation. Speaking to 300 of New York's leading attorneys at an Anti-Defamation League dinner, KEATING lauded President Kennedy for speaking "eloquently about the urgent civil rights tasks that confront America" and urged that he "now do everything within the area of his power and responsibility to make certain that his plea for action is heeded."

PUTTING PRESSURE

Nonetheless, the dynamic Senator has been putting pressure on the Kennedy administration to adopt a more aggressive policy in behalf of Israel, who is threatened by the Arab States. I asked the Senator what policy changes should be instituted by the Administration toward Israel now and in the future. He said he has been very concerned over the military designs of Egypt and her partners in the Middle East.

"Unless the United States of America takes the initiative to smooth the troubled waters of that region, an outbreak of hostilities with incalculable consequences for the whole world is highly possible," he stated.

The Senator gave a five-point program dealing with the situation:

1. We should restate explicity, firmly and unequivocally our dedication to the State of Israel.

2. We should increase pressure and diplomatic efforts to have the imported German

scientists withdrawn from Egypt before they have done irreparable harm.

3. We should make clear that, if need be, we will supply Israel for her to defend herself against the enemies who surround her.

4. We should use every means at our disposal to bring the Arab States and Israel together for direct negotiations to promote a pilot arms control agreement. I have often made this specific proposal to the State Department, with little response from that quarter.

5. Nasser and his comrades have their aggressive designs. It is ironic that year after year the United States of America has continued to send generous assistance to Egypt, for example, and that aid has helped free Egyptian funds for Nasser's aid if they continue to pursue expansionist ambitions.

GREATEST MENACE

Senator KEATING also spoke this week at Kutcher's Country Club before the Free Sons of Israel, the oldest Jewish fraternal organization in the United States of America (115 years old). He charged that the latest Soviet moves to hamstring the United Nations represent the greatest menace to Israel. And he emphasized that the United States must leave no stone unturned to oppose these Soviet moves, to preserve the peacekeeping functions of the United Nations independent of the Soviet veto in the Security Council and to defend the world institution from its foes.

"We can also take other steps," KEATING pointed out, "steps that will convince both Arabs and Israelis that the United States has a vital interest in the Middle East and that we will not permit Arab encirclement of Israel or Arab aggression against the Israelis."

When Senator KEATING attended the 34th annual convention of the National Federation of Jewish Men's Clubs at the Concord Hotel, he was duly impressed when rabbis and delegates recited the prayer over bread (hamotzie) at the commencement of the dinner and the benediction (benching) at the conclusion of the meal. KEATING made it a point to ask me the ritualistic and historical meaning of these religious ceremonies.

When asked about the roots of his predilection for things Jewish, KEATING said his admiration for the Jewish people stems from his adherence to the democratic credo and the historic religious and spiritual contributions of Judaism and Israel to civilization.

KEATING'S white hair, good looks, and neat appearance stamp him as the typically ideal Senator depicted in the movies and on the television screen. His genuine motives come to the fore very markedly whenever he speaks and acts in behalf of all worthy undertakings.

Senator KEATING recently celebrated his birthday at an American Jewish committee dinner where public congratulations were extended him by Adlai E. Stevenson.

DISTINGUISHED VISITORS FROM SWEDEN

Mr. BURDICK. Mr. President, recently it was my good fortune to be a guest at a luncheon for several members of the Swedish Parliament and their wives. These distinguished visitors from Sweden are on the last leg of a month-long tour of the United States and, along with my colleagues, Senators NELSON, DOUGLAS, MCGOVERN, and MCCARTHY, I was particularly interested in their perceptive impressions of the United States. I can sum up their comments by saying that they were mightily impressed with the dynamism, the diversity and the good will that they found among the American people.

I had a special interest in meeting with this group from Sweden. My grandmother came to this country from Sweden as a young girl over 100 years ago. She secured a job in Chicago as a housemaid where she met a young Danish immigrant and together they migrated via Iowa to North Dakota where they were among our State's earliest settlers.

Americans of Swedish descent, Mr. President, have made many great contributions to our political, cultural, and intellectual life in America—contributions so lengthy that were I to list them it would fill many pages of the CONGRESSIONAL RECORD.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of those present at the luncheon and also a story from the Washington Post which describes the splendid labor-management climate in Sweden.

There being no objection, the list and story were ordered to be printed in the RECORD, as follows:

PARTICIPANT LIST OF THE SOCIAL-DEMOCRATIC GROUP VISITING THE UNITED STATES, JUNE 23 TO JULY 19, 1963

1. Miss Rosa Andersson, Member of Parliament for the county of Södermanland, deputy member of the standing committee on laws.

2. Miss Ruth Andersson, Member of Parliament for the county of Älvsborg, deputy member of the standing committee on laws and of the standing committee on miscellaneous affairs.

3. Mr. Gunnar Berg, Member of Parliament for the county of Blekinge, member of the standing committee on agriculture.

4. Mrs. Marie-Louise Berg.

5. Mr. Karl Damstrom, Member of Parliament for the county of Kopparberg (Dalecarlia), member of the standing committee on the constitution.

6. Mrs. Iris Ekroth, Member of Parliament for the county of Jönköping, deputy member of the standing committee on laws and of the standing committee on miscellaneous affairs.

7. Mr. Uno Hedstrom, Member of Parliament for the county of Västerbotten, member of the standing committee on miscellaneous affairs, and deputy member of the standing committee on agriculture.

8. Mrs. Mary Holmqvist, Member of Parliament for the county of Malmöhus, deputy member of the standing committee of ways and means.

9. Mr. Erik Johansson, Member of Parliament for the county of Kristianstad, deputy member of the standing committee on agriculture.

10. Mr. Tage Johansson, Member of Parliament for the county of Jönköping (Smaland), deputy member of the standing committee of ways and means and of the committee on miscellaneous affairs.

11. Mr. Rolf Jüring, journalist in the staff of the cooperative insurance company, Folksam.

12. Mrs. Göta Jüring.

13. Mr. Ake Larsson, Member of Parliament for the county of Örebro, member of the standing committee on banking and deputy member of the standing committee on laws.

14. Mr. Essen Lindahl, Member of Parliament for the county of Stockholm, deputy member of the standing committee on the constitution and of the standing committee on banking.

15. Mrs. Brita Lindahl.

16. Mr. John Lundberg, Member of Parliament for the county of Uppsala, member of the standing committee on laws.

17. Mrs. Karin Lundberg.

18. Mrs. Thyra Lüfqvist, Member of Parliament for the county of Blekinge, member of the standing committee on laws.

19. Mr. Nils Magnusson, Member of Parliament for the county of Gothenburg, deputy member of the standing committee on laws and of the standing committee on agriculture.

20. Mr. Eric Mossberger, Member of Parliament for the county of Halland, member of the standing committee on agriculture.

21. Mr. Arne Müller, secretary to the Social-Democratic Parliament Group.

22. Mrs. Maja Nilsson, Member of Parliament for the county of Kopparberg, deputy member of the standing committee on laws and on agriculture.

23. Mr. Emil Näsström, Member of Parliament for the county of Västernorrland, deputy chairman of the standing committee of supply.

24. Mrs. Dagny Näsström.

25. Mr. Olof Näsström.

26. Miss Gunnel Olsson, Member of Parliament for the county of Stockholm, deputy member of the standing committee of supply.

27. Mr. Güran Petterson, Member of Parliament for the county of Örebro, member of the standing committee of supply.

28. Mrs. Rosa Svensson, Member of Parliament for the county of Vastmanland, deputy member of the standing committee on laws.

29. Mr. Erik Södersten, labor specialist at the U.S. Embassy, Stockholm.

30. Mr. Fridolf Wirmark, Member of Parliament for the county of Örebro, deputy member of the committee of ways and means and of the standing committee on laws.

SWEDEN, IT SEEMS, HAS NO LABOR PROBLEMS

(By Frank C. Porter)

On invitation, a tripartite panel of Swedish economic experts testified on Capitol Hill yesterday and left the legislators scratching their heads.

Unemployment?

In Sweden it has held between 1 and 2 percent over the past 20 years, Labor Under Secretary Ernest Michanek told the Senate Subcommittee on Employment and Manpower.

Automation?

Swedish labor embraces it wholeheartedly, said Arne Geijer, president of the Confederation of Swedish Trade Unions (LO).

A managed economy?

Sweden's Socialist government interferes very little with private enterprise, which controls more than 90 percent of the nation's industry, explained Bertil Kugelberg, managing director of the Swedish Employers Confederation (SAF).

School dropouts?

"I never heard of any problem of that kind," Michanek replied.

The subcommittee, and members of the House Select Labor Subcommittee who joined it for the occasion, also heard that about 50 percent of Swedes go to college, against 25 percent here, that there has been no major strike for more than a decade despite the absence of compulsory arbitration, and that private employment agencies have been banned for the last 20 years.

The latter point took the American legislators by surprise. They have lately been caught in a crossfire between the U.S. Employment Service and private agencies, which accuse USES of attempting to build a "manpower monopoly." What is the Swedish attitude, the members wished to know.

"We feel job placement should be free, without cost," Michanek said. "It should not be handled on a profit basis."

Michanek, Geijer, and Kugelberg are becoming a familiar team in Washington, having traveled here several times to brief Americans on the Swedish system.

They dwelt at length yesterday on how Sweden has achieved full employment, a high production rate, comparatively stable prices and labor peace through a unique partnership among business, labor, and Government.

Chairman JOSEPH S. CLARK, Democrat, of Pennsylvania, hailed this common effort as "the most successful policy of dealing with manpower problems of any country in the world."

He also noted that the methods so well suited to a small, homogeneous nation like Sweden might not be adaptable to such a large, heterogeneous country as the United States.

But there was common recognition among subcommittee members that if the exact Swedish methodology could not be introduced here, the spirit behind it could be.

Looking at Geijer and Kugelberg, Senator JENNINGS RANDOLPH, Democrat, of West Virginia, observed that the comradeship shown by Swedish labor and management sitting together is "very wholesome. Perhaps we should do more of it in this country."

And after Kugelberg praised the Swedish labor unions, Representative ELMER J. HOLLAND, Democrat, of Pennsylvania, who still holds a card in the United Steel Workers, remarked:

"I have never heard any American manufacturer talk like that."

The Swedish officials explained how their national employment service includes labor and business representatives and circulates countrywide job vacancy lists through its 25 regional councils. An ambitious retraining program seeks a simultaneous enrollment of 1 percent of the work force, and labor mobility is promoted through a liberal system of relocation allowances. The impact of layoffs is cushioned by industry agreement to notify the employment service as far in advance as possible.

DEDICATION OF OOLOGAH DAM AND RESERVOIR PROJECT

Mr. MONRONEY. Mr. President, July 20 was a great day for Oklahoma. The Chief of Engineers, Lt. Gen. W. K. Wilson, Jr., joined a great crowd of Oklahomans in the dedication of the Oologah Dam and Reservoir project. This is the first major control structure to be dedicated in the comprehensive Arkansas Basin development project, which, when completed in 1970, will provide a 9-foot navigation channel from Catoosa, Okla., to the Mississippi River.

The remarks of the Chief of Engineers were timely, concise, and constructive. I believe they will be of interest to many, both in Oklahoma and elsewhere, who did not have the privilege of attending the dedication.

We were proud to have General Wilson in our State and congratulate him and his dedicated staff of officers and civilian employees who are doing so much to build a better America.

I ask unanimous consent to have printed in the RECORD at this point the remarks of General Wilson.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY LT. GEN. W. K. WILSON, JR., CHIEF OF ENGINEERS, U.S. ARMY, AT THE DEDICATION OF OOLOGAH DAM, TULSA, OKLA., JULY 20, 1963

I am pleased to be here this morning to share this historic moment with you. This is an important day in the development of the Arkansas Basin. It is the first of many such days; other dedications will take place, one after another, as successive units of the Arkansas Basin development program are completed.

Oologah Dam is a major project that will contribute several kinds of benefits—benefits which reach outward in widening circles. It is an important project in its own right, fully capable of justifying its cost as an individual project. Beyond that, it is a major element in an integrated program for the Arkansas Basin. Finally, it contributes to a nationwide effort to keep the water-resource availabilities of the United States abreast of its growing needs.

The United States today is engaged in a great effort to meet its anticipated water-resource needs. This effort was greatly stimulated by the work of the Senate Select Water Resources Committee headed by the late Senator Robert S. Kerr, who was also one of the fathers of the Arkansas Basin program. The Kerr committee helped show how greatly and how swiftly national water needs are increasing, and how closely the Nation's prosperity depends on adequate water-resource development; and it made recommendations which form part of the basis of present national water-resource policy.

As a result, the Nation 2 years ago began an effort aimed at doubling its national reservoir capacity by 1980, and expanding other water-resource developments in proportion. The Corps of Engineers estimates its own share of this task at about $28 billion. To approach this huge task in an orderly and efficient way, we propose to plan development programs on an integrated river-basin basis—much as was done here in the Arkansas Basin.

Let us see how Oologah fits into Senator Kerr's first love: the development of the Arkansas.

We propose at first to store about 50,000-acre-feet of water in Oologah Reservoir. I am told that this should provide a good fishing lake. We have already provided four public use areas and will provide two more in the future.

Water from this pool is available, under contracts already signed, to provide up to 47 million gallons of water per day to the cities of Tulsa and Collinsville, Claremore, Inc., and the Public Service Co. of Oklahoma for municipal or industrial water supply whenever they may need it.

For some years to come, however, the bulk of the space behind this dam will remain empty, because its main function for that time will be to contain floods. This valley experienced 69 floods in the 33 years up to 1955, when construction of the project was actually begun. During the 1940's it experienced eight major floods within 9 years. Therefore, flood control is a major and valuable benefit from this project.

About 1970, the navigation system is expected to reach Catoosa. At that time Oologah Dam will begin performing additional functions—functions that will serve the entire Arkansas Basin. In particular, it will begin contributing water to help maintain navigation depths in the waterway. In order to perform this service, the reservoir will have to contain more water than it does now, and the releases of water will have to be controlled. These purposes will be accomplished by the provision of some movable tainter gates at the spillway 2 miles east of here. Installation of the gates will permit raising the elevation of the conservation pool about 30 feet.

The Arkansas navigation system consists mainly of 18 locks and dams. Besides these, the comprehensive basin program consists of a series of reservoirs, powerplants, bank-stabilization works, and channel improvements. These elements will work together to form one of the best-integrated river-basin systems in the United States.

As a unit of this system, Oologah will contribute flood-control benefits not only to the Verdigris Valley, but throughout the downstream reaches of the Arkansas Valley. By helping regulate the amount of water in the Arkansas, it will not only aid navigation but also provide downstream water-supply, water-quality, and related benefits. Provision has been made for project modification to add hydroelectric power generating capacity at a later date, if found economically justified.

Since Oologah Dam was started, the tempo of progress on the entire program has been stepped up. Keystone and Eufaula Dams will be ready for full flood-control operation next year. The Dardanelle Lock and Dam project, between Fort Smith and Little Rock, is nearly half finished. Structural work on the first two navigation units above the jurisdiction with the Mississippi will begin this year. The appropriation bill now before Congress also includes funds for beginning Short Mountain Lock and Dam in Oklahoma, which may be renamed the Robert S. Kerr Lock and Dam before work starts.

So we see that Oologah Dam is in the van of a basin-wide development, with all parts proceeding on schedule.

The Federal investment in this plan will reach a third of a billion dollars by the end of this month. Three times that amount is yet to be spent by the Government before we complete the project. For the next 7 years, therefore, considerable volumes of Federal construction money will be pouring into the Arkansas Basin.

The Arkansas Basin faces many adjustments. The currently heavy expenditures of Federal construction funds will be followed by a drop-off as projects are completed. The basin also must adjust to thousands of people seeking water recreation, problems of seasonal employment, and even perhaps traffic and policing.

Finally, will come industrialization as commerce begins moving on the waterways, and factories move in.

Such transformations are never completely smooth, but with the leadership this region has shown, I have no doubt that it may look forward confidently to a prosperous, indeed a truly glorious, future.

THE LATE AMBASSADOR FROM NORWAY, WILHELM MORGENSTIERNE

Mr. HUMPHREY. Mr. President, the former Norwegian Ambassador, the Honorable Wilhelm Morgenstierne, passed away on July 15 here in Washington. I trust it is not too late to say a few words in eulogy about a dear friend.

Ambassador Wilhelm Thorleif Munthe Morgenstierne was born in Oslo, Norway, November 4, 1887. He grew up there and attended the University of Norway where he took his bachelor of arts degree in 1909. In addition, he attended Oxford University, and Luther College in Decorah, Iowa. He received his doctor of laws degree from the latter in 1935.

He was attaché to the Norwegian legation, Washington, 1910; he was secretary consulate at Antwerp, 1913; and he toured the United States, 1915 and 1925, giving a series of lectures. In 1915, he was the Norwegian vice commissioner to San Francisco, and 1921–29, he was chief of division, Ministry of Foreign Affairs, in Oslo. After World War I, he served as Norwegian delegate to the International Labor Conference in Washington, 1919, and later to the same conference in Geneva. In 1929–34 he was consul general in New York City. He was elected to Parliament, and served in

that post from 1934 to 1942. He became an Ambassador to the United States in 1942, and was honored with the title "dean of the diplomatic corps" in 1948.

Following the World War II, he was appointed delegate to the United Nations Conference in San Francisco, 1945. He was appointed Chairman of Commission III of the Security Council in 1945; in 1946, he was Chairman of the delegation at the Atlantic City session of the U.N. Relief and Rehabilitation Administration; in the same year—1946—he was a delegate to the second part of the first session of the General Assembly of the U.N., and delegate of the second session in 1947.

Additionally, he has been decorated for the services which he so graciously gave for his country. He received the Grand Cross Order of St. Olav; H.M. King Haakon's Medal of Merit—gold; Saint Olav's Medal; King Haakon's Jubilee Medal—all decorations from Norway. However, he won the acclaim of the world for his selfless devotion to the cause of world peace, and other nations rewarded him as well. From Denmark came the Cross of Dannebrog. Portugal awarded him the Comdr. Order of Christ, and Italy, the Comdrs. Order of the Crown. Siam—Thailand—awarded him the Distinguished Order of White Elephant.

He belonged to the Metropolitan Club in Washington, and the Minneapolis Club in Minneapolis, Minn. He is author of the book "Et Større Norge" which was published in 1932.

The beloved dean of the diplomatic corps was a man of whom we can all be very proud. His life was dedicated to the cause of lasting friendship between nations. What finer way to spend one's lifetime.

We are all sorry to learn of his passing. He will live on in our hearts. In trying times like these we need good leaders, good men like Wilhelm Morgenstierne to represent the nations of the world. Yes, he will live on in our hearts as a great Ambassador and a champion of peace.

THE NATIONAL CULTURAL CENTER

Mr. SALTONSTALL. Mr. President, much has been said recently concerning the National Cultural Center. I cosponsored a bill which passed the Senate last Monday. I am hopeful that a companion bill will be approved by the House shortly so that the nationwide fund-raising campaign so well begun under the Center's Chairman, Roger Stevens, may continue for an additional 3 years. Last week my distinguished colleague from Oregon [Mr. MORSE] made a very fine speech in behalf of the National Cultural Center.

During the summer months, the Berkshire Hills of western Massachusetts become the Nation's cultural center. The Berkshires offer jazz and folk music concerts in Lenox, a chamber music festival on South Mountain, several fine summer theaters, the Jacob's Pillow dance festival at Lee, and the world-renowned Tanglewood festival.

Saturday night, July 27, the Tanglewood festival will present the American premiere of Benjamin Britten's "War Requiem." The "Requiem" was commissioned for the consecration of the new Cathedral of St. Michael in Coventry, England. The old cathedral had been destroyed during the last war. Eric Leinsdorf will lead the Boston Symphony Orchestra, soloists and chorus in what promises to be one of the more important musical events in Tanglewood's history.

I ask unanimous consent that a review of Britten's "Requiem" which appeared in the London Times and an editorial which appeared in last Sunday's Boston Globe be included as part of my remarks.

I hope that those of my colleagues who are interested in culture or those who wish to escape Washington for a weekend of music in the quiet cool of the Berkshire Hills will be able to attend this great musical event.

For those who are not fortunate enough to attend the concert, it will be taped and presented on TV in the Washington area on Sunday, August 4.

There being no objection, the review and editorial were ordered to be printed in the RECORD, as follows:

FROM THE HEART TO THE HEART

(Benjamin Britten's "War Requiem" will have its first performance in America by the Boston Symphony Orchestra at the Berkshire Festival in Tanglewood, on Saturday evening, July 27. Erich Leinsdorf will conduct this great work, which requires a full orchestra and chorus with soprano solo, a boys' choir, a chamber orchestra of twelve individual players, a tenor and a baritone soloist. The larger groups perform the sections of the traditional mass for the dead, in Latin, the tenor and baritone answer with verses, sung in English, from the poems of Wilfred Owen, who was killed in the First World War a week before the Armistice. This motto from Wilfred Owen is on the title page of the score:

"My subject is war, and the pity of war.
The poetry is in the pity.
All a poet can do is to warn."

(The mass is dedicated by Britten to four friends who fell in the last war. It was performed last spring at the consecration of the rebuilt Cathedral of St. Michael in Coventry, which was destroyed in the war. The mass was repeated in London and in West Berlin.

(The mass is reported from each source as not only a poignant antiwar document, but as one of the most deeply moving musical works of our century. The review of the Coventry performance by the critic of the London Sunday Times (June 3, 1962) is here quoted.)

(By Desmond Shawe-Taylor)

Nothing about Benjamin Britten is more striking than his freedom from inhibition. Outwardly reserved, he has preserved intact an inner creative world in which he has the sure habit of heartfelt spontaneity and simplicity. Though twice as clever as the most advanced of his contemporaries or juniors—perhaps just because he is twice as clever—he has remained untempted by paper complexities and imperceptible schematic jigsaws. The highly personal and recognizable language he has forged for himself over the years is made up, for all its subtlety, of traditional procedures and devices: of instantly communicative melody, harmonies whose point and pull can be felt at once notwithstanding their strangeness, and an emotional commitment that is rare and unmistakable—going from the heart to the heart, in Beethoven's words.

All these qualities at their highest point, deployed on a scale far larger than is usual for him outside opera, are to be found in the "War Requiem" which was first performed in Coventry Cathedral on Wednesday. It does not break new ground, but it sums up and crowns the many achievements of the past 10 years. It is surely a masterpiece of our time.

A characteristic audacity relates the grand and timeless spiritual theme to the dull, brutal horrors that stare us daily in the face. Britten has interspersed the Latin text of the mass for the dead, set for soprano soloist, boys' and mixed choirs and very large orchestra, with nine of Wilfred Owen's harsh and truthful antiwar poems, set for solo tenor and baritone with a small instrumental chamber group.

It was audacious to do this because the tone of the poems, which is at some points antireligious and anticlerical, might easily have been felt to jar with the ritual element, and because of the many acute problems of transition that arise between the two levels of language and feeling. That there should be no jar except the one profound intended shock inherent in the conception is a measure of Britten's taste and skill and of the strength of his inspiration. The work is, beyond all questions, an artistic unity.

The means by which this unity is achieved will repay close attention because of the extreme ingenuity and beauty of the points of reference and transition; but the great outlines are wonderfully clear even at a first hearing. Throughout the work, the tritone or augmented fourth (in this case, C to F sharp) constantly recurs, sometimes as a symbol of sorrow, and sometimes seeming to suggest the blind forces of hostility against which the Requiem enters so passionate and moving a plea. At first the bells clash out the warring interval, and their jangle is not silenced until the last page. By then we have heard on three separate occasions an unaccompanied choral cadence resolve the hurtful discord into the deep peace of F major.

Within this general scheme, musical ideas of the greatest abundance bring to startling life the juxtaposed poems and sections of the mass. The bells of the opening lead into the tenor's angry question, "What passing-bells for these who die as cattle?", the fanfares of the "Dies irae" (the more terrible because scattered and punctuated with sudden silences) soften towards the baritone's "Bugles sang, saddening the evening air"; the stuttering male-voice "Confutatis maledictis" is silenced by the baritone's tremendous curse "on seeing a piece of our artillery brought into action"; the traditionally shaped but new-minted "Lacrymosa," with the solo soprano soaring above detached chords for the choir, is mingled with the tenor's barely whispered "Move him into the sun"—tears made manifest here and now, on earth.

Still stranger and more moving confrontations are to come. In the traditionally fugal "Quam olim Abrahae" the buoyant 6/8 theme is vaguely familiar; and the familiarity is explained when the two male soloists, quoting almost exactly from Britten's Canticle on the same subject adapt theme and treatment to suit Owen's bitter perversion of the story, in which the old man will not listen to God's command—"but slew his son, and half the seed of Europe, one by one."

After a concise and masterly blend of the "Agnus Dei" with Owen's "At a Calvary," and a shattering choral and orchestral climax in the "Libera me," we reach the emotional resolution of the work as the huge chord of G minor fades into the ghostly dream of Owen's "profound dull tunnel," wherein a soldier meets the enemy he had killed yesterday, and the two with no bitterness left, but only faint thoughts of "wells sunk too deep for war, even the sweetest wells that ever were," murmur perpetually to each

other "Let us sleep now," while, far above, the boys begin their consoling "In paradisum."

The beauty and humanity of the singing of Dietrich Fischer-Dieskau and Peter Pears in this episode and throughout the work were above praise, and I have never heard Heather Harper's soprano sound so pure and so radiant. The whole performance, with Meredith Davies conducting the Festival Choir and City of Birmingham Orchestra, and with the composer in charge of the Melos Ensemble during the chamber sections, was worthy of the music, even though much fine detail was inevitably blurred by the cathedral's acoustics; and the music itself was gloriously worthy of the occasion that had called it into being.

BRITTEN'S "WAR REQUIEM"

First, the plain facts. Their further meaning will take longer to appear, decades perhaps.

Next Saturday evening at 8 in the Shed at Tanglewood, Benjamin Britten's "War Requiem" will have its first performance in America, by the Boston Symphony Orchestra, with soprano, tenor, and baritone soloists, mixed chorus, boys' choir, and chamber orchestra. The words are a combination of the traditional Mass for the Dead in Latin, with verses sung in English from the poems of Wilfred Owen who was killed in the First World War 1 week before the Armistice. On the musical score stands this motto from his verses:

"My subject is war, and the pity of war.
The poetry is in the pity.
All a poet can do is warn."

This "Requiem" was commissioned for the consecration of the restored St. Michael's Cathedral at Coventry, May 30, 1963. The cathedral was wrecked by German bombers in the Second World War. As tenor and baritone soloists, two sometime enemy soldiers, were Peter Pears, an Englishman, and Dietrich Fischer-Diskau; the eminent German singer. This work is dedicated by the composer, a Christian pacifist, to four friends who were killed in the Second World War. It is now superbly recorded, "OSA 1255 London A 4255."

The popular poet of the First World War was Rupert Brooke, who also lost his life. He said what people at first wanted to be told, an ideal image of radiant youth sacrificing itself for its country. Owen's poems had longer to wait. They are not about what soldiers gloriously did but what they were unforgivably made to do to others and to suffer themselves. Moriturus te saluto (I who am about to die, salute you); this poet did not accept what he called The Old Lie—Dulce et decorum est pro patria mori, Horace's It is sweet and fitting to die for one's country. That was, writes William Mann, somewhat confidently, the attitude toward war of every reasonable man in every century before our own. But now comes a wartime poet to say, of a shattered crucifix:

"One ever hangs where shelled roads part.
In this war, He too lost a limb.
But His disciples hide apart;
And now the Soldiers bear with Him.
Near Golgotha strolls many a priest,
And in their faces there is pride,
The scribes on all the people shove
And bawl allegiance to the state."

To convey any notion of this music's grandeur, words are painfully pallid. All the sounds, including the new strange ones, of a modern orchestra are called upon, and with such passionate sincerity that they are accepted without question. With Britten, even as with the true originators in any of the art-forms, innovation takes its departure from the traditional frameworks; he builds anew on what has gone before. After Bach's Mass in B-Minor or Beethoven's Missa Solemnis, what is left for a composer to do with the Sanctus? Listen to Britten's, and learn.

Heard resounding from end to end under the vaulting of a cathedral, choir answering choir, the boys' voices singing consolatory Latin, comes as from a distance, now together, again in antiphony, as if "from the other side." But, says the poet, a humanist, there is no other side. These men are dead and dead to stay, their creative ideas have perished with them, and our world will slide along dully content with lacking them. Abraham, warned not to sacrifice Isaac, refuses to sacrifice the Ram of Pride, and instead slays his son:

"And half the seed of Europe, one by one."

No listener can yet judge this work; this work tests the listener. Berlioz, in his "Damnation of Faust," depicted an imaginary hell; this English poet and composer depicts a man-made hell on earth, and over the anguished cries of the "Libera me" mushrooms the H-bomb. Matthew Arnold's touching sonnet to an east London preacher ends,

"Thou mak'st the heaven thou hop'st indeed
thy home."

Our 20th century paraphrase is—

"Thou mak'st on earth indeed the hell thou
fear'st."

And yet, and yet. * * * Here at last in music, the one art form in which our epoch surpasses, or surpassed, all others, and through which our men of genius most truly speak, or spoke, here at last sounds forth the moral revolt against man's most monstrous of crimes. It had been wondered whether the greatness of music had spent itself. Lacking 1 year and a few days (August 4, 1914–63) there are those who have waited half a century for this voice to speak. And here it is.

Music, thou art thyself again:

"Thy world's great age begins anew,
Thy golden years return."

And our blood-boltered human race, shall we, too, finally pull out of our tailspin?

UNCLE DUDLEY.

REQUIRED PRAYER AND BIBLE READING IN PUBLIC SCHOOLS

Mr. LONG of Missouri. Mr. President, the recent Supreme Court decision concerning Bible reading and prayer in public schools, as its predecessor the New York regents' prayer case, has been misconstrued and misunderstood in many quarters. These decisions which go to the very heart of the first amendment's protection of religious freedom have been condemned as entrenching atheism and secularism in our public schools. However, this is not the case. These decisions uphold the concept of separation of church and state. They make it clear that the state has no power to establish religion. The Word and Way recently published an editorial concerning these decisions. Because I believe it would be helpful in promoting a better understanding of these decisions, I ask unanimous consent that the editorial by H. H. McGinty be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COURT'S DECISION REASSURING

(By H. H. McGinty)

In a momentous decision handed down Monday, June 17, the U.S. Supreme Court ruled that the required reading of the Bible and recitation of the Lord's Prayer in public schools are unconstitutional, because they violate the prohibitions of the first amendment.

In an 8-to-1 decision the Court said that government has no business invading the religious life of the people. It said that the home, the church, and the individual heart and mind are an inviolable citadel of religion. "We have come to recognize through bitter experience," the Court said, "that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the state is firmly committed to a position of neutrality."

Only Justice Potter Stewart dissented. He said that the cases before the Court had not presented enough evidence for a decision and that the issues were so complicated that he would have remanded them back to the lower courts.

In reaching its decision the Court went out of its way to say that its action is not hostile to religion and that it was not ruling out teaching about religion in public schools. It emphasized that the Constitution demands neutrality in matters of religion and that its action does not constitute an establishment of a religion of secularism.

As in the celebrated decision in the New York regents' prayer case, handed down on June 25, last year, the Court's main objection was directed at the State-required factors. In the New York case the Court objected to a State-composed prayer, the recitation of which was required daily in all New York public schools.

Supporters of the bill who argued before the Court contended that the reading of the Scriptures and the reciting of the Lord's Prayer are effective means of teaching morality.

Opponents of the law argued that religion is a personal matter between the individual and his God, if any, and that the State has no business invading that sacred area.

Now all concerned are having their say about the decision. There are the usual cries that this ruling further entrenches atheism and secularism in the public schools. One metropolitan paper carried a feature editorial with the title, "Outlawing God From Schools." The editorial expressed the thought that "the Creator" and "Divine Providence" of the Declaration of Independence—the "author of liberty" of "America"—the "one nation under God" of the Gettysburg Address have been woven into the warp and woof of American life.

Generally, Catholic comments have followed this line. On the other hand, evangelicals have been divided in their opinions.

Certainly those who know something about what history reveals concerning the state-dominated church are gratified at this ruling of the Court. They believe that this further guarantees individual freedom in worship.

If the State has the authority to require the reading of 10 verses of Scripture and the recitation of the Lord's Prayer in the public schools, then it has authority to add other requirements. Conceivably, this might be extended to the point that the State would dominate completely the religious life of the people.

Almost without exception Baptists who have expressed themselves publicly commend the decision. With a long history of a stanch defense of the principle of separation of church and state, they are reassured by this latest pronouncement of the Supreme Court.

This ruling does not remove every vestige of our religious heritage from public life. It does not eliminate the Bibles from the court rooms. It does not deny chaplains for

our Armed Forces; it does not take Thanksgiving away from the calendar.

If a pupil or a teacher desires to pray, there is nothing in this decision that would prevent him from doing so. There is nothing there that prevents the pupils from even agreeing to pray together, but they must not be ordered to pray.

It does not mean that "The Star Spangled Banner" will have to be rewritten or that "In God We Trust" will have to disappear from our money. Congress still opens each day with a prayer and the blessings of God are still besought for the Supreme Court. This is as it should be.

The study of the Bible was not thrown out of the schools by the Court's decision. In fact, the court said, "It might be well said that one's education is not complete without a study of comparative religion and the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historical qualities. Nothing we have said here indicates that such study of the Bible or religion, when presented objectively as a part of a secular program of education, may not be effective consistent with the first amendment."

The court then further said, "It is no part of the business of government to compose official prayers for any group of American people to recite as a part of a religious program carried on by government." It applied this same principle to the required reading of the Scriptures and recitation of the Lord's Prayer.

In the long run the court decision has the effect of renewing emphasis on the homes and the churches in the religious upbringing of our children. There may have been some who have regarded the Bible or prayer in the schools as a replacement for old-fashioned spiritual training by parents. Now the responsibility of the church and home cannot be shrugged off so easily.

The Court by this action may have helped to emphasize this responsibility, but it definitely did not cast a thunderbolt at the church or at religion. The United States remains a nation under God. We hope that it will ever be thus.

NUCLEAR SURVIVAL POSSIBLE

Mr. PELL. Mr. President, while we all hope that nuclear war does not come to us, neither can we, like ostriches, put our heads into the sand and do nothing.

In this connection, I find myself in support of the job Stuart L. Pittman, Assistant Secretary of Defense for Civil Defense, is doing. It is not a popular job, but he is handling it with intelligence, tenacity, and imagination.

In this connection, I ask unanimous consent to insert in the RECORD at this point an editorial from the July 15, 1963, Newport Daily News, of my own home city of Newport, R.I.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NUCLEAR SURVIVAL POSSIBLE

Refuting the general impression that a thermonuclear attack would create a wasteland of the United States, the Nation's chief civil defense officer told Congress that nuclear war would not foreclose economic recovery, or permanently contaminate agriculture, or disable rail and road transportation if the Nation supports an adequate shelter program.

Stuart L. Pittman, Assistant Secretary of Defense for Civil Defense, declared that the greatest hurdle to survival is the apathy of the American people. They do not want to hear, let alone act, on how to prevent destruction from the thermonuclear attack. It would impose obligations to act in ways which are inconvenient and sometimes costly.

Refuting testimony on the ravages of nuclear war, Pittman conceded that an attack would severely damage our national economy, but would not create insurmountable barriers to eventual economic recovery. Most of the key sectors of the economy would continue to function, at levels adequate for recuperation. Except for perhaps 5 percent of the land in the area of the holocaust, the countryside would look normal, though partially contaminated by radiation.

Available information, Pittman said, does not support the speculation that radiation damage to domestic and wild animals and insects would upset the ecological balance of nature. He ruled out a wasteland as a result.

Food and water, the necessities for survival, would be quickly available to support survivors for at least 5 or 6 weeks in the form of food stocked in shelters, canned food in homes and restaurants, and supplies in local food distributing channels. After that, sufficient transport and stockpiles would survive to provide backup for at least a year.

The effects on agriculture appear to be limited to the first year after the attack. Medical supplies and medical manpower could be the most serious factor contributing to a relatively high death rate from disease, but preparation and organization could solve that, too.

As the last major witness before the House Armed Services Subcommittee, Pittman appealed for congressional support of the nationwide shelter program at a cost of $175 million. He made a superb case for civil defense preparedness that should win congressional approval, despite public apathy. It is little enough to do for insurance against thermonuclear attack in time to avert most of the horrors. Rejection or watering down this program would be an irreparable error, should nuclear attack come.

THE INTERNATIONAL HOUSE IN PROVIDENCE

Mr. PELL. Mr. President, recently a group of Rhode Islanders received a charter for a nonprofit organization called International House of Rhode Island. The purpose of this organization is to promote friendship and understanding between the 400 foreign students studying in Rhode Island schools and universities and the community at large. Its objective is to raise a sufficient amount of funds to either build or purchase a building that can then be used as a meeting place for both foreign students and Rhode Islanders—something akin to the community centers which used to abound in New England years ago.

I consider this effort a truly warmhearted response on the part of private citizens to the plea of foreign students in their community for a "simple place where we can get together and meet Americans; where we could go so that we do not have to sit in our rooms most of the time." And these citizens of Rhode Island are responding in a manner which commends itself to us all.

International understanding is a goal which I am sure we all desire. It is a very elusive goal, and the problem is often how to approach it. In the instance of the International House, we have a group of private citizens who have taken the initiative personally because they feel it is their duty as American citizens and as citizens of Rhode Island to provide a facility in their community where foreign students can informally meet with Americans. It may be a modest effort, but I can think of no better way to secure this goal of international understanding, for as the charter group of International House states in its motto, "The only bond strong enough to span oceans is the clasp of hands in friendship."

I wish the International House group the very best of luck in this endeavor, and in closing would like to particularly commend Mr. Gilbert Mason, the pro tempore chairman of this organization, and Mrs. Morton Blender, who is heading the building committee.

BALANCE OF PAYMENTS DEFICIT

Mr. SMATHERS. Mr. President, the balance of payments deficit is of such serious import that, unless corrective action is taken immediately, financial chaos will result. This result will rock not only the financial structure of the United States and the free world, but will also imperil the free world's battle against Communist aggression.

The administration just recently asked the Congress to levy up to a 15-percent tax on those who purchase foreign securities. While this proposal appears to be an effort in the right direction, I believe that it falls far short of drastic steps which must, of necessity, be taken to insure the financial stability of not only the United States but of the free world, as well.

Many foreign countries today place currency restrictions on the export of capital investment as well as on the amount of tourist dollars spent outside their respective countries.

Some of these countries include Austria, Denmark, Netherlands, Norway, Spain, United Kingdom, and others. The United States, on the other hand, has no such restrictions either with respect to the outflow of capital investment or on the amount of tourist dollars taken out of the United States.

Official figures of the Department of Commerce disclose that during the calendar year 1961, the United States exported a total of $4.2 billion in capital investment.

For the year 1962, this figure was $3.3 billion and for the first 6 months of this year, it is estimated the total of capital investment exported abroad to be somewhere in the neighborhood of $2 billion.

In the area of tourism, we had a net loss in 1961 of approximately $847 million; in 1962, $984 million. Both of these figures were exclusive of transportation payment. This is a considerable travel dollar deficit, adding to the gravity of the overall problem.

Just recently, news reports reflected that one U.S. company exported $17 million in U.S. capital investment. About 2 years ago, another well known concern exported some $300 million in capital investment.

Certainly the time has come when a definitive limitation must be placed on the export of U.S. capital abroad, in-

cluding a limitation on the amount of tourist dollars that may be spent abroad by U.S. citizens and others.

We have given, since World War II, through the generosity and humanitarian instinct of our people, billions of dollars in foreign aid to strengthen the economies of countries abroad. Its primary objective was to strengthen the economies of these countries in order to assist them in maintaining human dignity.

Some foreign aid is essential when intelligently and sensibly expended for the purpose of combating Communist aggression.

However, foreign countries have, in addition to receiving foreign aid, lured our dollars along other lines much too long.

We have been, and continue to be, patsied too long in permitting these governments to expect that this is but a one-way street.

It is not only in our best interest but in the best interest of the countries of the free world, that the United States remain on the gold standard.

If demands by foreign countries should be exercised in presenting their dollar credits for payment in gold, it is clearly evident that a world financial crisis would result—either we would be forced off the gold standard, or the dollar would, of necessity, have to be devaluated. Either course would weaken the free world's position in its thus far successful effort to contain the Communist threat. I believe that our foreign brethren understand this language and the situation only too well and, for this reason, have thus far not exercised their privilege.

I urge that the administration, in an effort to cope with this very grave problem, adequately and effectively, give serious consideration toward placing mandatory restrictions and mandatory limitations on the export of U.S. capital abroad, as well as placing a limitation on the amount of dollars American tourists and others may take out of this country.

Such action should be taken without further delay because it is clearly evident that a U.S. liquid and favorable balance-of-payment position is imperative to the survival of the free world.

STATUS OF RESERVE OFFICERS WHO ARE MEMBERS OF CONGRESS

Mr. GOLDWATER. Mr. President, it has been more than 2 months since I asked that the Judiciary Committee look into the question of possible incompatibility between serving in the Reserves and in the Congress at the same time. My resolution, Senate Resolution 142, is designed to produce a complete and impartial inquiry into this entire question.

Unfortunately, Senate Resolution 142 has not yet been acted upon and the inquiry has not taken place. Nevertheless, I have continued to look into the entire matter on my own behalf. My research has turned up a variety of significant statutes and historical facts which bear upon the incompatibiltiy question. In the interest of making all of the pertinent information available for the consideration of my colleagues, I have discussed this matter on the floor of the Senate and inserted historical and legal documents in the RECORD on several occasions.

I feel very strongly, Mr. President, that the law is on the side of the congressional reservists. My opinion in this regard has been supported by my research; nevertheless, I have made information available to the Senate and to the public which bears upon all sides of the issue. My only purpose is to dig out the facts and then let the chips fall where they may.

Mr. President, I have recently come across a 1930 statute which is the basis of section 30R.(d) of title V of the United States Code. This is the provision in the code which specifically permits employees and officials of the U.S. Government to serve in the Reserves. This provision in the present code reads as follows:

(d) Status of Reserves and National Guardsmen when not on active duty, or when on active duty for training.

When he is not on active duty, or when he is on active duty for training, a Reserve is not considered to be an officer or employee of the United States or a person holding an office of trust or profit or discharging any official function under, or in connection with, the United States because of his appointment, oath, or status, or any duties or functions performed or pay or allowances received in that capacity. (Aug. 10, 1956, ch. 1041, sec. 29, 70A Stat. 632; Sept. 2, 1958, Public Law 85–861, sec. 13, 72 Stat. 1557).

The language of the act of July 1, 1930 (46 Stat. 841), has been included in the present law almost verbatim. The 1930 statute that I refer to reads as follows:

Reserve officers while not on active duty shall not, by reason solely of their appointments, oaths, commissions or status as Reserve officers, or any duties or functions performed or pay or allowances received as Reserve officers, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States.

The legislative history of the 1930 law contains two explanatory statements by Senator James Couzens, of Michigan, which relate directly to the constitutional question of whether Congressmen and Senators may serve in the Reserves. The statements, from the CONGRESSIONAL RECORD of June 27, 1930, are as follows:

Mr. COUZENS. Mr. President, the bill involves quite an intricate question, affecting Reserve officers who may hold office in the Government in addition to the office which they hold in the military service. There is a constitutional inhibition against an officer in the military service holding two offices. There are officers in the Reserve Corps who are Members of the Senate and who are also Members of the House of Representatives, as there are Reserve officers holding other governmental positions.

In consultation with the chairman of the Committee on Military Affairs the other day—and I am sorry he is not now present—he went into the matter very thoroughly with me, because of inquiries I was receiving from the Reserve officers. I do not believe that I misquote the Senator from Pennsylvania when I say that he doubts whether this proposed legislation will remedy the situation. However, it is an attempt to do so by amending the law so as to provide that Reserve officers shall not be considered as officers referred to in the Constitution. In order to relieve the officers who are in the Reserve Corps and who are holding other governmental offices, from possible liability under the Constitution, it was thought that the passage of this bill was necessary.

* * * * *

Mr. COUZENS. The bill has passed the House of Representatives, of course, and the Committee on Military Affairs of both Houses report it with a view of remedying present conditions. The Reserve officers, of course, are volunteers; they are only to be called in case of emergency; and it does not seem to me to be just that officers holding positions in the Reserve Corps for military purposes should be excluded from holding any Federal office.

Thus, Mr. President, the legislative history of the statute which has resulted in the language of title V, section 30R. (d), indicates that the law was intended to permit Members of Congress to serve in the Reserves free from constitutional inhibitions. I should point out, in addition, that this statute, as amended, has not been held to violate the Constitution by our courts. The presumption, as all of my colleagues know, is that any law passed by the Congress is constitutional unless and until the courts rule otherwise.

Mr. President, in addition to the excerpts from the legislative history of the act of July 1, 1930, which I previously discussed, I wish to insert the complete legislative history of the law into the RECORD. I have included the House and Senate debate as well as the House report on the bill. I have omitted the Senate report because it is identical to that submitted by the House Military Affairs Committee. In addition, Mr. President, I wish to include a memo prepared by Mr. Hugh P. Price, legislative attorney in the American Law Division of the Library of Congress. Mr. Price's memo follows the rather circuitous path of the language of the act of July 1, 1930, into the present United States Code.

Mr. President, I ask unanimous consent that the material I have referred to appear at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[71st Cong., 2d sess., House of Representatives, Rept. No. 1884]

AMEND SECTION 37 OF THE NATIONAL DEFENSE ACT

(June 12, 1930, referred to the House Calendar and ordered to be printed; Mr. Stafford, from the Committee on Military Affairs, submitted the following report (to accompany H.R. 3592):)

The Committee on Military Affairs, to whom was referred the bill (H.R. 3592) to further amend section 37 of the national defense act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only, introduced by Mr. James, having considered the same, report thereon with the recommendation that it do pass with the following amendments:

Line 5, add an "s" to the word "section"; strike out "356" and insert in lieu thereof "351, 352, 353, 356, and 360".

Line 8, page 1, and line 1, page 2, strike out the phrase "or while on active duty for instruction or training only".

Section 37 of the national defense act as amended, with this proposed amendment shown in italics, reads as follows:

"SEC. 37. Officers' Reserve Corps: For the purpose of providing a reserve of officers available for military service when needed there shall be organized an Officers' Reserve Corps consisting of general officers of sections corresponding to the various branches of the Regular Army, and of such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. Reserve officers shall be appointed and commissioned by the President alone, except general officers, who shall be appointed by and with the advice and consent of the Senate. Appointment in every case shall be for a period of five years, but an appointment in force at the outbreak of war or made in time of war shall continue in force until six months after its termination. Any reserve officer may be discharged at any time in the discretion of the President. A reserve officer appointed during the existence of a state of war shall be entitled to discharge within six months after its termination if he makes application therefor. In time of peace a reserve officer must at the time of his appointment be a citizen of the United States or of the Philippine Islands, between the ages of twenty-one and sixty years. Any person who has been an officer of the Army at any time between April 6, 1917, and June 30, 1919, or an officer of the Regular Army at any time may be appointed as a reserve officer in the highest grade which he held in the Army or any lower grade. Any person commissioned in the National Guard and recognized as a National Guard officer by the Secretary of War may, upon his own application, be appointed as a reserve officer in the grade held by him in the National Guard. No other person shall in time of peace be originally appointed as a reserve officer of Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Service in a grade above that of second lieutenant. In time of peace appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Service shall be limited to former officers of the Army, officers of the National Guard recognized as such by the Secretary of War, graduates of the Reserve Officers' Training Corps, as provided in section 47b hereof, warrant officers and enlisted men of the Regular Army, National Guard, and Enlisted Reserve Corps, and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. Promotions and transfers shall be made under such rules as may be prescribed by the President, and shall be based on so far as practicable upon recommendations made in the established chain of command. So far as practicable reserve officers shall be assigned to units in the locality of their places of residence. Nothing in this act shall operate to deprive a reserve officer of the reserve commission he now holds. Any reserve officer may hold a commission in the National Guard without thereby vacating his reserve commission. *Reserve officers while not on active duty shall not, by reason solely of their appointments, oaths, commissions, or status as reserve officers, or any duties or functions performed or pay or allowances received as reserve officers, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States.*"

This comprises section 2 of the act of September 22, 1922, in its entirety as referred to in paragraph (a), page 2 of the Secretary of War's letter. The act is amended by adding a new sentence.

The purpose of the proposed legislation, as embodied in H.R. 3592, is to remedy a condition occasioned by a ruling of the Attorney General that prevents reserve officers, who are attorneys at law, from practicing before the Treasury Department or from performing any other work that the law forbids officers of the Government to undertake.

The Attorney General has recently handed down an opinion, which supports the contention of the Treasury Department, that reserve officers are "officers of the Government" under the penal statutes of the United States. Unless remedial legislation is enacted it is feared that there will be many resignations from the Officers' Reserve Corps because of this restrictive construction. The bill has the approval of the War Department, other than that it recommends the elimination of the clause in line 8, page 1, and line 1, page 2, as follows: "or while on active duty for instruction and training only." This amendment the committee adopted for the reasons as given by the War Department, as follows:

"The bill, H.R. 3592, defines the status of reserve officers so broadly that the well established and desirable relation of these officers to our military law would be disturbed in time of peace. Thus reserve officers might be held ineligible to sit on military courts or boards in time of peace and the legality of the orders issued by reserve officers on active duty for training purposes might be successfully questioned."

The War Department also suggested the striking out of the word "office" in line 6, page 2, and substituting the word "place," but the committee believed that the clause "office of trust" has a more general acceptation in legal terminology than "place of trust."

A further amendment is suggested by the War Department, which the committee adopts, to add certain sections of the statutes, which this legislation also affects. This provides for striking out section 356, in line 5, page 1, and inserting in lieu thereof sections 351, 352, 353, 356, and 360. The reason for this is as given by the War Department, as follows:

"The reference to section 356, title 10, United States Code in lines 5 and 6, page 1, of H.R. 3592, is believed to be incomplete as the citation therein given evidently refers to section 2 of the act of September 22, 1922, in its entirety."

The committee recommends the passage of the bill with the two committee amendments for the reasons stated.

The report of the War Department explaining the legislation is as follows:

JULY 30, 1929.

Hon. W. FRANK JAMES,
Chairman, Committee on Military Affairs, House of Representatives.

DEAR MR. JAMES: I am pleased to comply with your request of June 21, 1929, for a report on H.R. 3592, a bill to further amend section 37 of the National Defense Act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only.

The applicable provisions of existing law upon this subject appear in sections 37 and 38 of the National Defense Act of June 4, 1920, as amended, which establish the Officers' Reserve Corps and provide that all persons appointed therein shall be commissioned in the Army of the United States.

The proposed legislation, H.R. 3592, meets deficiencies in existing law which does not clearly define the civil status of Reserve officers who are not on active duty or who are on active duty in time of peace. Reserve officers who are members of the bar are therefore in some doubt as to their status in litigation in which the Government may be involved. Many other Reserve officers who are interested in the civil affairs of their own States are similarly in doubt as to their status under State constitutions many of which deny State offices to citizens who are officials of the Federal Government.

The War Department favors the enactment of legislation which will meet the deficiencies just described. While H.R. 3592, as drafted, would accomplish this end, careful study in the War Department seems to show that textual amendment as follows may be desirable:

"A BILL TO FURTHER AMEND SECTION 37 OF THE NATIONAL DEFENSE ACT OF JUNE 4, 1920, AS AMENDED BY SECTION 2 OF THE ACT OF SEPTEMBER 22, 1922, SO AS TO MORE CLEARLY DEFINE THE STATUS OF RESERVE OFFICERS NOT ON ACTIVE DUTY OR ON ACTIVE DUTY FOR TRAINING ONLY

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 37 of the National Defense Act of June 4, 1920, as amended by section 2 of the act of September 22, 1922 (Forty-second Statutes, page 1033; [section] *sections 351, 352, 353, 356 and 360,* title 10, United States Code), be, and the same is hereby, amended by adding thereto another sentence as follows: 'Reserve officers while not on active duty, [or while on active duty for instruction or training only,] shall not, by reason solely of their appointments, oaths, commissions, or status as reserve officers, or any duties or functions performed or pay or allowances received as reserve officers, be held or deemed to be officers or employees of the United States, or persons holding any [office] *place* of trust or profit or discharging any official function under or in connection with any department of the Government of the United States.'"

The reasons leading the War Department to suggest these changes are given below:

(a) The reference to section 356, title 10, United States Code in lines 5 and 6, page 1 of H.R. 3592, is believed to be incomplete as the citation therein given evidently refers to section 2 of the act of September 22, 1922, in its entirety.

(b) The bill H.R. 3592 defines the status of Reserve officers so broadly that the well-established and desirable relation of these officers to our military law would be disturbed in time of peace. Thus Reserve officers might be held ineligible to sit on military courts or boards in time of peace and the legality of the orders issued by Reserve officers on active duty for training purposes might be successfully questioned.

It is believed that the amendments herein given would overcome the difficulties just mentioned while insuring the intent of the proposed legislation. The War Department therefore favors the enactment of the amended draft.

The proposed legislation will be without cost to the Government.

If any additional information from the War Department is desired, I shall be pleased to furnish it. Should hearings be held upon the proposed legislation, suitable witnesses will be designated to appear.

Sincerely yours,

JAMES W. GOOD,
Secretary of War.

[From the CONGRESSIONAL RECORD, House, June 24, 1930]

STATUS OF RESERVE OFFICERS

The next business on the Consent Calendar was the bill (H.R. 3592) to further amend section 37 of the National Defense Act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of Reserve officers not on active duty or on active duty for training only.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COLLINS. Mr. Speaker, reserving the right to object, can the gentleman give some reasons for the passage of this bill?

Mr. STAFFORD. From my acquaintance with the situation, hundreds or even thousands of Reserve officers may withdraw from commission as Reserve officers in case this legislation is not passed, so as to permit them, if they happen to be practicing attorneys, to practice before the departments.

I feel obliged to have this bill brought out at the earliest possible moment. I may say to my friend from Mississippi that this bill was introduced away back, a year ago, at the request of the War Department, when the former incumbent was Secretary of War. It was called up in the early part of the year, but no action was taken on it because of a certain minor objection.

Mr. COLLINS. I do not believe in the idea of making civil authorities subservient to the military.

Mr. LAGUARDIA. This only applies to officers in the Reserve and removes this disqualification that now exists and prevents them from practicing before the departments.

Mr. COLLINS. It goes further than that.

Mr. LAGUARDIA. No. I do not think it does.

Mr. STAFFORD. Under the Reserve officers' law the Reserve officer is understood to be an officer of the Government. Then there is a law which forbids officers of the Government practicing before the departments. There are many Reserve officers that are attorneys at law. Why should Reserve officers in an active state be deprived of the privilege of practicing before the departments? It is their bread and butter. If you do not give them relief, it will result in the withdrawal of, perhaps, 111,000 Reserve officers who are now in the Reserve Officers' Corps of the U.S. Army.

Mr. COLLINS. Some of them ought to be dropped. The War Department recognizes this fact and have divided them into active and nonactive officers instead of dropping them as they should do. They are placed in a nonactive status. A large number of these officers could not and would not be used in case of war, and certainly these are useless and there is no justification for keeping them on the rolls as Reserve officers. About 40 percent of the Reserve officers are in the noncombat units. There are too many of this class.

Mr. CRAMPTON. I do not think that is the way to get rid of them.

Mr. COLLINS. The departments are honeycombed with Reserve officers. They are even in the Bureau of the Budget.

Mr. CRAMPTON. This is a bill which was introduced by my colleague from Michigan [Mr. JAMES], who is ill and unable to be here. I have had some contact with him as it relates to the Reserve officers of my State, who, at the present time, under a recent construction of the law, are prevented from handling cases before the departments. They are lawyers. This bill is to prevent doing that very thing.

Mr. COLLINS. No. This bill reads:

"Reserve officers while not on active duty shall not, by reason solely of their appointments, oaths, commissions, or status as Reserve officers, or any duties or functions performed or pay or allowances received as Reserve officers, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States."

Which is far beyond what the gentleman contends.

Mr. LAGUARDIA. If the gentleman can cite any one instance other than the example given by the gentleman from Wisconsin and the gentleman from Michigan——

Mr. COLLINS. I want the bill to go over so that I can study it more carefully and find out if there is any good excuse for its enactment.

Mr. LAGUARDIA. Here is a letter from the Attorney General to Senator BROOKHART with reference to a lawyer in his State, and it refers to this qualification referred to by the gentleman from Wisconsin. It would bar those men who happened to be lawyers on the Reserve list from practicing before the department. It was never intended to do that.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. WAINWRIGHT. The gentleman always tries to be fair. Does it seem fair to the gentleman that a proportion of the 100,000 officers who happen to be lawyers and who are rendering this patriotic service to the Government without compensation should be handicapped in this way? Is there any public reason why they should be?

Mr. COLLINS. I think there are many reasons why the bill should not be passed.

Mr. LAGUARDIA. But this bill has nothing to do with that.

Mr. STAFFORD. The phraseology of this bill could not be construed in the manner in which the gentleman from Mississippi has construed it.

Mr. SPEAKS. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. SPEAKS. Let us take the cases of thousands of men throughout the United States as they are affected by existing law. Being of military age and liable for service in time of emergency they accept commissions in the Reserve Corps, undergo training, and through a systematic course of study and practice prepare themselves to properly perform their duties when called upon for national defense purposes. They comprise businessmen, professional men, experts, and skilled workmen in various lines. But under the law as it now stands they are barred from transacting business with any governmental department and thus deprived of a right accorded all other citizens other than members of the regular service establishments. The law was never intended to operate in this manner, and the bill under consideration is intended to correct the discrimination against reserve officers. I hope the gentleman from Mississippi will withdraw his objection and permit the bill to be passed at this time.

Mr. LAGUARDIA. I hope the gentleman will not object. The gentleman knows I will go a long way with him in stopping some of these military bills.

Mr. COLLINS. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

"Be it enacted, etc., That section 37 of the National Defense Act of June 4, 1920, as amended by section 2 of the act of September 22, 1922 (42 Stat. 1033; sec. 356, title 10, U.S.C.), be, and the same is hereby, amended by adding thereto another sentence as follows: 'Reserve officers while not on active duty, or while on active duty for instruction or training only, shall not, by reason solely of their appointments, oaths, commissions, or status as reserve officers, or any duties or functions performed or pay or allowances received as reserve officers, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States.' "

With the following committee amendments:

Page 1, line 5, strike out "Section 356" and insert "Sections 351, 352, 353, 356, and 360."

Page 2, line 2, after the word "duty," strike out the comma and the words "while on active duty for instruction or training only."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

[From the CONGRESSIONAL RECORD, Senate, June 27, 1930]

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Montana?

Mr. COUZENS. I yield.

Mr. WALSH of Montana. I think it is eminently advisable that some legislation may be enacted so that the reserve officers will not fall under the inhibitions to which officers in the Regular Army in active service are subjected, but I suggest to the Senator from Michigan, to make a sweeping change in the bill to the effect that all laws applicable to officers in the military service of the United States shall not be deemed applicable to reserve officers would be of questionable propriety. It seems to me we ought to have some information as to the particular legislation that would be affected by the passage of this bill.

Mr. COUZENS. Mr. President, the bill involves quite an intricate question, affecting reserve officers who may hold office in the Government in addition to the office which they hold in the military service. There is a constitutional inhibition against an officer in the military service holding two offices. There are officers in the Reserve Corps who are Members of the Senate and who are also Members of the House of Representatives, as there are reserve officers holding other governmental positions.

In consultation with the chairman of the Committee on Military Affairs the other day—and I am sorry he is not now present—he went into the matter very thoroughly with me, because of inquiries I was receiving from the reserve officers. I do not believe that I misquote the Senator from Pennsylvania when I say that he doubts whether this proposed legislation will remedy the situation. However, it is an attempt to do so by amending the law so as to provide that reserve officers shall not be considered as officers referred to in the Constitution. In order to relief the officers who are in the Reserve Corps and who are holding other governmental offices, from possible liability under the Constitution, it was thought that the passage of this bill was necessary.

* * * * *

Mr. COUZENS. The bill has passed the House of Representatives, of course, and the Committees on Military Affairs of both Houses report it with a view to remedying present conditions. The reserve officers, of course, are volunteers; they are only to be called in case of emergency; and it does not seem to me to be just that officers holding positions in the Reserve Corps for military purposes should be excluded from holding any Federal office.

Mr. WALSH of Montana. That is quite true, and I fully agree with the Senator with respect to that; yet I am afraid that the language as contained in the bill, if agreed to, would be too sweeping.

Mr. COUZENS. If the Senator objects to the consideration of the bill, of course, it cannot be considered.

Mr. WALSH of Montana. I think the bill had better go over until we can obtain further information in regard to it.

The VICE PRESIDENT. Being objected to, the bill will go over.

AMENDMENT OF NATIONAL DEFENSE ACT

Mr. REED. I move that the Senate proceed to the consideration of Order of Business 1138, House bill 3592.

The VICE PRESIDENT. The Senator from Pennsylvania moves that the Senate proceed to the consideration of a bill, the title of which will be stated by the Secretary.

The CHIEF CLERK. A bill (H.R. 3592) to further amend section 37 of the National Defense Act of June 4, 1920, as amended by section 2 of the act of September 22, 1922, so as to more clearly define the status of reserve officers not on active duty or on active duty for training only.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

Mr. MCNARY. Mr. President, just a moment.

The VICE PRESIDENT. The motion is not debatable.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs without amendment.

Mr. MCNARY. Mr. President, of course I have no objection to taking up the bill. It is quite proper to do so. Does the RECORD show the name of the Senator who objected upon the reading of the calendar?

Mr. REED. Yes, Mr. President.

Mr. MCNARY. Who was it?

Mr. REED. The objection was made by the Senator from Montana [Mr. WALSH], who has subsequently withdrawn his objection.

Mr. MCNARY. I asked simply because I thought I would send for that Senator if he is not on the floor.

Mr. REED. The Senator from Montana objected when the bill was first reached on the calendar, asking for an explanation. I was necessarily absent and was not here to make the explanation. Since then he and I have gone over the report on the bill, and the Senator stated in open Senate just before he left the Chamber that he had no further objection.

In a word, this bill meets a decision of the Attorney General to the effect that a reserve officer not on active duty is nevertheless a person holding an office of trust or profit under the United States, and therefore is ineligible, if he is a lawyer, to appear in an argument before the Treasury Department or to argue a tax case. Of course, nobody ever dreamed that a reserve officer should be crippled from pursuing his ordinary peacetime vocation when he was not on active duty; and if the decision were insisted on and applied in parallel cases, it would force the retirement from the Reserve Corps of a large number of valuable, useful officers. Therefore the committee was unanimous in reporting the bill.

The VICE PRESIDENT. The bill is before the Senate and open to amendment.

The bill was ordered to a third reading, read the third time, and passed, as follows:

"Be it enacted, etc., That section 37 of the National Defense Act of June 4, 1920, as amended by section 2 of the act of September 22, 1922 (42 Stat., 1033; secs. 351, 352, 353, 356, and 360, title 10, U.S.C.), be, and the same is hereby, amended by adding thereto another sentence as follows: 'Reserve officers while not on active duty shall not, by reason solely of their appointments, oaths, commissions, or status as reserve officers, or any duties or functions performed or pay or allowances received as reserve officers, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States.' "

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., July 17, 1963.

To: Hon. BARRY GOLDWATER.
(Attn: Mr. Denison.)
From: American Law Division.
Subject: Reserve officers.

The question presented is whether 5 U.S.C. § 30r(d) is based on the act of July 1, 1930 (ch. 784, 46 Stat. 841), as amended.

The act of July 1, 1930, supra, reads as follows:

"Be it enacted * * *, That section 37 of the National Defense Act of June 4, 1920, as amended by section 2 of the act of September 22, 1922 (42d Stat., p. 1033; secs. 351, 352, 353, 356, and 360, title 10, United States Code), be and the same is hereby amended by adding thereto another sentence as follows: "Reserve officers while not on active duty shall not, by reason solely of their appointments, oaths, commissions, or status as Reserve officers, or any duties or functions performed or pay or allowances received as Reserve officers, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States."

The above reference to section 37 of the National Defense Act of June 4, 1920, is in error insofar as it relates to section 37. The reference should be to section 32 of the National Defense Act of June 4, 1920. Said section 32 amends section 37 of the National Defense Act of 1916. Said act of July 1, 1930, supra, then in reality, amends the National Defense Act of 1916 (act of June 3, 1916, ch. 134, 39 Stat. 166) by adding to section 37 thereof the sentence set forth above.

The act of June 15, 1933 (ch. 87, 48 Stat. 1953), effected numerous amendments to the National Defense Act of 1916, including section 37. The pertinent provision was changed to read as follows:

"Members of the Officers' Reserve Corps, while not on active duty, shall not, by reason solely of their appointments, oaths, commissions, or status as such, or any duties or functions performed or pay or allowances received as such, be held or deemed to be officers or employees of the United States, or persons holding any office of trust or profit or discharging any official function under or in connection with any department of the Government of the United States."

The act of July 1, 1930, supra, was codified as 10 U.S.C. § 372. As stated, it was an amendment of section 37 of the National Defense Act of 1916.

Section 37 of the National Defense Act of 1916 was repealed by the Armed Forces Reserve Act of 1952 (act of July 9, 1952, ch. 608, 66 Stat. 481). The repeal is found on page 505, under section 803.

Section 246 of the Armed Forces Reserve Act of 1952, supra, under chapter 5 deals with Civil Employment. Section 246 reads as follows:

"When not on active duty, members of the reserve components shall not be held or considered to be officers or employees of the United States, or persons holding any office of profit or trust or discharging any official function under or in connection with any department or agency of the United States, solely by reason of their appointments, oaths, commissions, or status as such, or any duties or functions performed or pay and allowances received as such."

Section 246, supra, was codified as 50 U.S.C. § 981.

Under the act of August 10, 1956, ch. 1041, 70A Stat. 1, which codified titles 10 and 32 of the United States Code, the subject of Reserves and National Guardsmen who are Federal employees are dealt with under section 29 (71A Stat. 632) which section has been codified as 5 U.S.C. § 30r. Subsection (d) thereof reads as follows:

"(d) When he is not on active duty, or when he is on active duty for training, a Reserve is not considered to be an officer or employee of the United States or a person holding an office of trust or profit or discharging any official function under, or in connection with, the United States because of his appointment, oath, or status, or any duties or functions performed or pay or allowances received in that capacity."

The notes to section 29(d) as set forth on page 741 of Senate Report No. 2484 (84th Cong.), which report deals with this legislation, cites 50 U.S.C. § 981 as authority for section 29(d). The comment on subsection (d) is this:

"In clause (d), the words 'or when he is on active duty for training' are inserted for clarity. The word 'Government' is substituted for the words 'any department or agency.' The word 'because' is substituted for the words 'solely by reason.' The words 'in that capacity' are substituted for the words 'as such' after the word 'received'. The words 'held or', 'commissions', and 'as such', after the word 'status', are omitted as a surplusage.

"This section is not enacted as a part of title 32 since it is of limited applicability."

In answer to the question of whether 5 U.S.C. § 30r(d) is based on the act of July 1, 1930, as has been pointed out, section 30r(d) is based on 50 U.S.C. § 981 which was a codification of section 246 of the Armed Forces Reserve Act of 1952. That section appears to have taken the place of the act of July 1, 1930, which was a part of section 37 of the National Defense Act of 1916, and was repealed by the said Armed Forces Reserve Act of 1952.

HUGH P. PRICE,
Legislative Attorney.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. There is no pending business before the Senate.

LOCATION OF CHANCERIES OR OFFICES OF FOREIGN GOVERNMENTS IN CERTAIN RESIDENTIAL AREAS OF THE DISTRICT OF COLUMBIA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 335, Senate bill 646, and that the bill be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 646) to prohibit the location of chanceries or other business offices of foreign governments in certain residential areas in the District of Columbia.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment.

Mr. HRUSKA obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield so that I may suggest the absence of a quorum?

Mr. HRUSKA. I am happy to yield for that purpose.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, has the bill (S. 646) been laid before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. FULBRIGHT. Mr. President, as the sponsor of S. 646 I wish to say a few words in support of the bill.

First, I am appreciative of the work of the chairman of the subcommittee, the Senator from New Hampshire [Mr. McINTYRE], who is present in the Chamber. He conducted the hearings. I am appreciative also of the work of the Senator from Massachusetts [Mr. SALTONSTALL], who has contributed to the consideration of the subject. I do not wish to occupy very much time.

I introduced the bill because I am concerned about the encroachment of business establishments in residential areas in the District of Columbia. I do not object to embassies locating in residential areas because they are essentially residences, but chanceries, which are actually office buildings, should not be permitted to locate in residential neighborhoods. I might add that I certainly would not support the U.S. Government in any case where it sought to locate a chancery in a residential district abroad.

There is no justification in my opinion for having a double standard on zoning—one that applies to foreign governments and one that applies to American citizens. Foreign governments wishing to locate chanceries or other business offices in Washington should be subject to the same building and zoning regulations that apply to American commercial or business establishments. As long as American concerns are precluded from locating their business offices in residential areas in the District, foreign governments should be governed by the same rules. For example, if the Girl Scouts cannot establish a business office in a residential area a foreign government should not be authorized to do so either.

The present situation regarding location of chanceries is unsatisfactory to everyone concerned and it is obvious that congressional action is the only way that a measure of stability and certainty can be obtained. By passing this bill the Congress will have drawn the guidelines so that every foreign government will know where it stands. I cannot see how anyone can object to a proposal that merely puts foreign governments on a par with U.S. citizens and corporations for zoning purposes.

I commend the chairman of the subcommittee, the distinguished junior Senator from New Hampshire, and the members of his subcommittee for their efforts in trying to create order out of the chaotic situation we now have relating to location of chanceries in the District. Theirs was a thankless task, but they did a job that has been needed for many years.

The condition is in no way attributable to action of the committee. The problem was allowed to grow up during the 1950's in particular, without much attention, and during a period in which the number of countries sending ambassadors to our country virtually doubled.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. SALTONSTALL. I commend the Senator for his statement, in which I join wholeheartedly. Two years ago I joined in sponsoring a bill for the purpose stated. This year I filed a statement with relation to it.

A chancery is essentially a business office. To permit a business office, whether it be that of a foreign government or an office building of one of our own citizens, to come into a residential district would change completely the character of that district. As one who many years ago in Massachusetts worked very hard to enact a law on a similar subject, I know that the essence of a zoning law is to maintain and stabilize the district in which there are residences because by doing so such laws help to insure that the area will be a good one in which to bring up a family free from the excessive traffic and inconveniences which may result when the character of the area is changed by permitting businesses to operate in the midst of such areas.

Essentially the bill would place a chancellery, which is the business office of a foreign government, in the same status as a business office of an American citizen. It would permit the American citizen and the residence of the Ambassador to be in a residential district. I commend the District of Columbia Committee, under the leadership of the Senator from New Hampshire [Mr. McINTYRE] for making that point clear. I commend and join the Senator from Arkansas in making the effort to stabilize the residential districts of Washington, D.C.

Mr. FULBRIGHT. I thank the Senator.

Mr. McINTYRE. Mr. President, before making an explanatory statement with respect to the bill I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Does the Senator from Nebraska yield and, if so, to whom?

Mr. HRUSKA. I yield to the Senator from California.

Mr. KUCHEL. Mr. President, I wish to say to my colleagues that there is no more able Member of the Senate than the distinguished Senator from Nebraska [Mr. HRUSKA], who is about to address himself to a matter of supreme importance to the people of the United States. That concerns the continuing Communist cancer in this hemisphere.

I think all Senators will be extremely interested in reading or hearing what the Senator has to say. I rise on this occasion because I think Senators ought to be invited to come into the Chamber to listen to our colleague the Senator from Nebraska. Under those circumstances, I ask unanimous consent that I may suggest the absence of a quorum for that purpose.

The PRESIDING OFFICER. Does the Senator from Nebraska yield for that purpose?

Mr. HRUSKA. Mr. President, with the understanding that I shall not lose my right to the floor thereby, I yield for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McINTYRE. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANTI-CASTRO FORCES WITHIN OCCUPIED CUBA: THE LEADERLESS RESISTANCE

Mr. HRUSKA. Mr. President, recently the senior Senator from Colorado [Mr. ALLOTT] made a major contribution both in focusing the firm purpose of the American people and then formulating effective national policy consistent with the popular will. With the vigorous support of many other Senators he has moved with courage and imagination to fill an urgent need in the forum of public debate and decision.

His proposal for Cuban liberation is simple and clear cut. It goes straight to the heart of this Nation's obligation, and its solemn pledge, to assist in the restoration of a free Cuba. Not eventually, but now. And not a so-called Titoist Cuba—in the image of that Communist regime's so-called independence of Moscow—but a Cuba that can once more fulfill its national destiny within the free world community.

He has proposed that we offer the use of our Guantanamo Naval Base as the seat of government for a provisional free Cuban regime—organized by the Cuban patriots themselves, established on their own soil, a rallying point for ultimate liberation from the Castro-Communist tyranny. To this proposal, my colleague, the Senator from Nebraska [Mr. CURTIS] has added the idea of a Pacific blockade, a complete quarantine, to seal off this Communist satellite from all external trade and traffic, except medicines and other emergency supplies for the Cuban people. The Senator from South Dakota [Mr. MUNDT] has called for a tough crackdown on all free world commerce with the Castro-Communist—by reminding the President of his statutory obligation to suspend all U.S. assistance to

those nations still dealing with Castro or, if he has not done so, to tell the Congress his specific reasons why.

The junior Senator from Colorado [Mr. DOMINICK] has also joined in this mounting demand for action: he has directly and devastatingly challenged the administration's contention that Cuba no longer poses a clear and acute menace to free world security. Point-by-point and case-by-case, he has spelled out the grim details of a Cuban-based massive subversion campaign, aimed at every free government in the Americas.

These proposals, these calls for effective action, are no mere debater's points. Their purpose is not partisan; they are offered not as panaceas but, rather, as spurs to debate and deliberation. The immediate goal is effective action. And the ultimate goal: the liberation of Cuba from Communist oppression.

The challenge contained in all these bold proposals is addressed, equally, to the disunited forces of free Cuba and to the timid officials of our own Government. Now, let us face facts: the disarray among anti-Castro Cubans has been shameful. It has reflected credit on no one—neither the Cuban patriots themselves nor those administration spokesmen whose endless vacillation and empty bombast have simply compounded the disarray. But the Allott proposal meets these facts head-on.

To the Cubans, it is a challenge to put aside their differences and to rally behind the goal of national liberation.

To the officials of this administration, it is a challenge to put aside their counsels of delay and despair and to make good their own pledges that Cuba must once more be free.

This proposal is a clear call to have done with endless but futile eloquence. In the broadest sense, it is a challenge to the whole Organization of American States community to get on with the vital task of ridding this hemisphere, once and for all, of the festering sore represented by the Soviet presence in Cuba and by a foreign-supported tyranny imposed on the Cuban people.

We have it on the word of the President himself—repeated as recently as July 17—that this Nation cannot continue, indefinitely, to coexist with a Communist satellite almost within sight of our own shores. On this overriding premise, then, "let us get moving." And here, in the form of the Allott proposal, is one way to begin.

It is a proposal, in its essence, aimed at making effective use of all those resources—of power, of fervor, and of patriotic purpose—that have been so shamefully wasted up to now in the sheer futility of our Cuba policy. Within the general framework of that proposal, it is my purpose today to center attention on one such wasted resource: the anti-Castro and anti-Communist ferment within occupied Cuba itself. I want to speak of what might be called the leaderless resistance to a foreign-bred, foreign-supported, and foreign-dominated tyranny.

Here we have, for the first time, a practical proposal for providing the necessary leadership to this resistance. Here is a way to capitalize on the overwhelming desire among Cubans for a rebirth of freedom and for an opportunity to pursue their own national destiny.

This undercurrent of resistance is explosive in its potential. And the existence, on Cuban soil, of a free Cuban provisional government might well provide the spark to light the fuse of ultimate and eventual liberation.

I repeat that this potential is explosive. We must be fully conscious, in our discussions and in raising the hopes of the Cuban people for freedom, that we are indeed playing with fire. We are dealing in human lives. We must never forget our awful responsibility—not to raise these hopes too high too fast, nor to cause this resistance to surface only at the suicidal risk of reprisals by Castro's police. Let us, therefore, exercise great care and sober judgment in our deliberations. We must be fully prepared—morally and militarily—to back up any outbreaks or initiatives that we may help stimulate. Our hearts and voices and strong right arms must become one entity. This is a lesson that I would especially urge upon the spokesmen of this administration with their seemingly limitless powers of soaring eloquence—but whose powers of effective action seem to be frozen tight.

Let us, then, be prudent and painstaking. But let us not shrink from our clear obligations. Let us not continue to fritter away this matchless opportunity to hasten the collapse of Castro's vicious and unnatural tyranny. The resistance exists. It exists in the hearts of the Cuban people—and, more tangibly, in the Cuban hills. It is utterly dedicated to the overthrow of Castro-communism. It needs focus and direction—it must have leadership. And it must be spurred by the realistic hope that the march toward liberation has finally begun.

A unified all-party provisional government is the indispensable first step. Next must come a pledge of U.S. support—neither greater nor less than we are prepared to supply—made plain by the offer of a territorial base at Guantanamo. At this juncture, internal Cuban resistance can take on its true and vital significance.

Resistance is an easy word to throw around. It stirs the imagination. But let me say again that active resistance involves grave risk of life and the threat of terrible reprisals—and we must temper our discussion always with this sober awareness. We must never spur the people of Cuba to forms of action that we are not prepared to back up. But, equally, we must not forever lag behind them in our commitment to the cause of freedom.

We have already lived through an experience which is directly relevant to our present dilemma. We should, by now, have learned the lesson of the most deadly gap of all—the gap between words and deeds. This terrible lesson was played out, in October and November of 1956, in the streets of Budapest. I think it is just to say that the Hungarian freedom fighters were, equally, the victims of brutal Soviet suppression and of their own shattered hopes about their own ideas of the commitments they thought this Nation was prepared to fulfill. On the basis of such thoughts and their own interpretation of the facts, their hopes were falsely raised. But at the moment of cruel choice, they stood alone. And alone they shed their blood in the name of freedom.

I think, too, that I can speak of this lesson with a special intensity. My own racial stock affords me a particular understanding and depth of feeling for the plight of all captives of Communist tyranny—in Czechoslovakia, in Hungary, in Poland, Yugoslavia, and all other captive nations throughout Eastern and Central Europe. I have talked with many Hungarian patriots. I have heard their stirring message at first hand by reason of my membership on the Internal Security Subcommittee. During the months of November and December 1956, as well as the ensuing months in 1957, a series of hearings was held at which many witnesses, some of them having come to this country from the embattled streets of Budapest, described their experiences. It was heart rending to listen to their accounts of what actually happened and the terrible crime against humanity which the Communist overlords perpetrated.

And today, while considering the case of Cuba, we would do well to apply the lessons of occupied Europe to the needs of occupied Cuba.

So long as a single armed Soviet trooper remains in Cuba—whether we delude ourselves with the fiction that they are "technicians" or face squarely the fact of a full-scale Soviet occupation—so long as this Soviet presence remains, the threat of a Cuban Hungary is real and acute. The President has been unequivocal in his warning—we will not tolerate such a repetition of past history. There must be no second Hungary in this hemisphere.

If this warning is to mean anything, it must mean that we will not tolerate the suppression of any act of internal Cuban resistance by Soviet troops.

But if this is indeed the sense of the President's declaration, then I submit that he owes us answers to at least these two questions: first, what positive action has he undertaken to bring to an immediate end this blatant Soviet occupation of Cuba—and nothing short of this, I repeat, can possibly guarantee the prevention of a Cuban Hungary. And second, is the President aware of the mass of evidence, mounting day by day, that just such direct Soviet suppression of the internal anti-Castro resistance is already taking place?

What of the report, to cite one example, that on March 26 of this year, in the area of the Nicaro mines, a pitched battle with Soviet guards cost the resistance 4 dead and 12 captured—all of them summarily tried and executed, with a Soviet officer among their judges?

What of the repeated reports—wherever pockets of Cuban guerrillas hold out—that every skirmish involves not just Castro's Soviet-armed militia, but also the direct intervention of uniformed Russians?

And what of this quotation—published by Free Cuba News on June 22—from a Cuban police commander:

> If there is a popular uprising here, we will employ the same tactics used in 1956 in Hungary. The only way to secure ourselves is through the use of absolute power.

Dare we speak of the threat of a Cuban Hungary? Rather, it may be necessary to face its reality—grim and present.

Evasion will not do. The American people, and their responsible representatives in the Congress, must have answers—clear and prompt. I call again on the President for authoritative information.

In this context and with full awareness of the stakes involved, what then do we mean by resistance? We do not mean open insurrection in the streets of Havana. That would represent only the last extreme step and could only succeed in tandem with massive external pressure, with force of arms. And that, I am sure, is not what the Senator from Colorado contemplated in his liberation proposal. Such a step, such a final commitment, could only be taken by the provisional government itself. And it could only be taken in close collaboration with the United States and the entire OAS community. It is a step we all pray will never have to be taken—not if other measures succeed.

Effective and purposeful internal resistance may mean, on the other hand, a great variety of acts, limited enough in particular, but massive in its totality: acts of passive resistance, industrial slowdowns, and deliberate low productivity in factories and farms; acts of vandalism and destruction of irreplaceable spare parts and machinery; acts especially of agricultural sabotage, in the cane fields and the sugar mills; wreckage of communications lines, roads, and rails; and the systematic spread of both information and misinformation—of rumors intended to disorganize the Castro regime and of truth which will undercut its pretensions and give the lie to its propaganda.

All this would constitute the resistance of a whole people. It would be massive proof of their distrust and disaffection, their hatred of a Communist puppet government which maintains itself only by virtue of Soviet arms. We have Castro's own testimony, added to that of his economic czar, of the tremendous cumulative impact of all such forms of economic sabotage.

Such concerted action may not, in and of itself, bring Castro to his knees. But it cannot fail to shake the very foundations of his Soviet-sponsored tyranny. And it may set the price of continued Soviet support so high—in terms of risks and resources and extended supply lines—that Moscow may think a second time, may even reappraise its long-term commitments. The lessons of last October—when we confronted Soviet power with bold and unswerving purpose—these lessons should not be lost on our own timid policymakers.

Internal resistance also means, of course, guerrilla and partisan forces—actively engaged in harassment and sabotage, and the nucleus on Cuban soil of the forces of ultimate liberation. Free Cubans throughout the hemisphere must maintain intimate liaison with this internal resistance. There must be close coordination of plans and action programs. There must be airdrops and covert landings of supplies and equipment.

There must be, most of all, a sense of common purpose and of unity throughout the free Cuban community. All this can only be provided by a unified provisional government—best of all, most inspiring of all, a provisional government established on Cuban soil. And that is the special genius of the Allott proposal for Cuban liberation.

A free Cuban government at Guantanamo would, I repeat and reemphasize, be the indispensable first step toward ultimate liberation. So, too, is the Colorado Senator's proposal a first step in yet another sense: a first step toward sober debate and then effective action by this Government. With every passing day, the Cuban base of world Communist imperialism becomes more hardened, more destructive of Cuba's social and economic fabric, tougher to dislodge. The Soviet presence remains—and grows. The entire hemisphere is under incessant attack, by the implacable agents of Communist subversion.

With every passing day, therefore, the menace grows. There is no more time to lose. Delay can only compound the deterioration of free world security. The time for decisive action is now.

And yet, Mr. President, although the urgency of the Cuban problem has been demonstrated beyond doubt, the administration apparently is not terribly concerned about Cuba. This complacent attitude, it seems to me, accounts for the administration's silence on the Allott proposal. The administration evidently prefers to put the damper on discussion of the Cuban situation. But, Mr. President, silence will not solve the problem. This problem and the set of circumstances which prevail in that unhappy island will not fade and disappear. The challenges posed by it will remain.

Mr. President, I feel that the Allott proposal deserves serious consideration by the administration. For this reason, I have dispatched a letter to the Secretary of State today, requesting his personal expression of the administration's official opinion of the Allott proposal. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 24, 1963.

The Honorable DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: On June 17, on the floor of the Senate, Senator GORDON ALLOTT, of Colorado, made an important statement in which he offered a proposal designed to bring about the liberation of Cuba from Communist rule. A copy of the Senator's statement is attached.

Senator ALLOTT urged all freedom-loving Cubans to bury personal rivalries and political differences and to unite behind the goal of liberating their homeland by forming a provisional all-party government. The sole function of this provisional government would be to channel and direct the efforts of the Cuban people to free themselves from the Communist yoke. As a spur to unity among the Cubans, the United States, under the Allott proposal, would pledge to them that upon the formation of a provisional all-party government, it would permit that government to establish its seat on Cuban territory at the U.S. Naval Station at Guantánamo Bay. As I understand the Senator's proposal, the effort to free Cuba from Communist rule will and should be carried out by the Cuban people primarily. But first there must be inspiration and direction to that effort, which can best be generated by the creation of a provisional government.

As you know, Senator ALLOTT served this country ably and faithfully last year as a U.S. delegate to the General Assembly of the United Nations. He made his proposal soberly, with the hope that it would be debated on its merits in like fashion. Thus far, however, it has been greeted with virtual silence in the executive branch. To my knowledge, there has been no official statement of opinion on this proposal by the administration save only an informal reaction by the Department of State's press officer in response to reporters' questions on June 21.

In my opinion, Mr. Secretary, the Cuban situation is the most urgent problem in American foreign policy, and any serious proposals for coping with it merit serious consideration by the responsible officials of the executive branch. I invite your personal attention, therefore, to the Allott proposal, with the request that you give me your opinion of its merits.

Sincerely yours,

ROMAN L. HRUSKA,
U.S. Senator, Nebraska.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the Senator from Colorado.

Mr. ALLOTT. I congratulate the distinguished Senator from Nebraska for his constructive remarks on the Cuban situation. More and more, as we proceed, we see an inclination on the part of the administration to continue the policy which it has followed for the past 2 years, of walking away from the Cuban question rather than meeting it. To date, no one in the administration has attempted to discuss the proposal I made, and on which I frankly asked for discussion and debate on the matter on the Senate floor. The only response has been the one by the senior Senator from Oregon. I believe that his response was more than adequately covered by a subsequent statement which I made.

I have in my hand—if the distinguished Senator will permit me to read it—a United Press dispatch, which reads as follows:

> HAVANA.—The Castro government today expropriated the U.S. Embassy building and grounds in a move believed unprecedented in diplomatic history.
>
> The action was taken in reprisal for the freezing of Cuban Government accounts in U.S. banks, according to the expropriation decree.
>
> The decree was signed by Prime Minister Fidel Castro, President Osvaldo Dorticos, and Treasury Minister Luis Alvarez.
>
> The Embassy has housed the Swiss Mission for American Affairs, beneath the Swiss flag, since the United States broke relations with Cuba on January 4, 1961.
>
> The nationalization decree even specified that all the Embassy's "equipment and furniture have been assumed by the state."

The decree said "it is the duty of the revolutionary government of Cuba, in the maintenance of national dignity and sovereign rights of our people, to respond to the aggressions" of the United States.

The latest aggression was the bank freeze, the decree said.

The building on the Malecon Seawall Drive was modeled after the United Nations Secretariat Building in New York.

In view of the fact that one of the main contentions of the administration, or of its spokesmen from whom we have heard, is that we must maintain our diplomatic relations with Cuba, does the Senator see how we can possibly be worsening our relations in any way by encouraging the Cubans in exile to establish a provisional government, when the Castro government itself has now seized our administration building?

Mr. HRUSKA. On the contrary, it would be my judgment that our position would be improved. A long time ago, the Castro regime cut off any practical diplomatic contact with the United States. This country has had to deal through the Swiss in Cuba. Now the Castro government has committed the unprecedented diplomatic affront of taking over the official residence of the U.S. Government in Havana. We may as well complete the story and have a provisional government installed at Guantanamo, pursuant to the suggestion of the Senator from Colorado [Mr. ALLOTT], give recognition to it, and at the same time discontinue the nominal connection with Castro's government.

Mr. ALLOTT. The Senator may recall the statement of the Senator from Oregon [Mr. MORSE] that most of the people in America do not realize that the United States has not severed diplomatic relations with Cuba, but has only withdrawn our representative. I believe that if most Americans knew this, they would rise up in their wrath. But since we have not severed diplomatic relations with Cuba, what does the Senator from Nebraska think of the position in which this leaves us, when the Castro government has taken our embassy buildings in Cuba?

Mr. HRUSKA. The latest action of Castro's does not place the United States at a very high point of prestige in the world; and we are told that prestige is very important. It has not placed us in a very high position of prestige in the eyes of the family of nations.

Mr. ALLOTT. The distinguished Senator from Nebraska has performed a real service in drawing a parallel with Hungary. I am sure he has had the experience, as I have had, of meeting and speaking with hundreds of exiles who have come from numerous Eastern European countries, including Hungary. We have had to give as our excuse for not acting in the Hungarian crisis that we had no way in which to act. That there was no practical, feasible way, militarily or otherwise, to support Hungary.

But such a reason cannot be advanced at this time for our not supporting the Cubans in exile in their attempt to take back their government, so that they can hold elections under their constitution, because it is not necessary to overfly antagonistic, hostile countries in order to help Cuba.

Mr. HRUSKA. There is no question about that; the Senator from Colorado has analyzed the situation accurately.

Mr. ALLOTT. Keeping in mind the attitude of millions of people throughout the world who are either now under the heel of communism or have escaped from Communist rule—and many hundreds of thousands are in this country who have escaped from the heel of communism—does the Senator from Nebraska see any way in which we can justify our action and still be considered the leader of the free world, when the present administration seemingly does not have the will to start the machinery which would help the exiled Cubans to return to their own country?

Mr. HRUSKA. In answer to the Senator's question as to whether there is any way in which such inaction can be justified, I say that an attempt is being made to justify it. The administration and its apologists argue that any such course of action as that suggested by the Senator from Colorado would involve risk. There is no question about it. There would be a risk. There would be a grave risk. But the alternative must always be considered. The question is not whether a risk would be taken, but whether the risk of action would be greater than the alternative, which is a continuation of the present intolerable situation.

Mr. ALLOTT. A continuation of the subversion, sabotage, and disguised insurrection which is taking place in Cuba and throughout Latin America today, and which my colleague, the junior Senator from Colorado [Mr. DOMINICK] described so well the other day.

Mr. HRUSKA. He described in dramatic detail the incidents of violence, guerrilla warfare, and subversion, and indicated that it is not only in the Castro pattern, but is conducted on a sustained basis, and that its force and effect are constantly growing, rather than diminishing.

Mr. ALLOTT. I have in my hand an article published in a recent issue of Newsweek, commenting on the requests of those of us who have been asking the administration to pay heed to this situation and come forth with their own plan, or even to tell us if the administration has a policy. The article indicates that we seem to be baffled by the indifference that is shown to the question, implying that the people are not interested.

I say to members of the other party and to the administration that if they think the people of the United States do not believe that Cuba is our primary foreign policy problem, they are badly out of step with the people of the United States. Everywhere I go I have found that this is the first question I am asked.

I can understand why the administration would be very glad to walk away from the problem of Cuba policy and to have the people talk about other things. I do not blame the administration, considering the failures they have experienced with respect to Cuba. It is understandable why the administration would hope that the American people will forget about the failures, and make every effort to help them forget. I wish particularly to express my appreciation to the distinguished Senator from Nebraska for his remarks and especially for the parallel he has drawn between Cuba and Hungary, and his statement as to why we cannot again permit another Hungary to occur with respect to the people of Cuba.

Mr. HRUSKA. The mail received by my office does not indicate that the people of America—at least that part of America I represent—are minimizing this problem. Nor was it minimized, as we all know, in the report of the Senate Preparedness Subcommittee which considered the subject not long ago. The sum and substance of that report was that Cuba should have the No. 1 priority among our foreign relations problems, notwithstanding the many other serious and grave problems which this country faces in the international field.

Mr. ALLOTT. No matter what those of us on this side of the aisle could say, we could not make any stronger statement than that report, which seeks to impel the Government into a positive course of action with respect to Cuba. Does not the Senator agree with that?

Mr. HRUSKA. Yes; there is no question about it. The report was made after a well-considered review of the testimony and evidence which was accumulated under the leadership of the conscientious, hardworking Senator from Mississippi [Mr. STENNIS]. He and his committee rendered a commendable service to the country.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to my colleague from Nebraska.

Mr. CURTIS. I commend my distinguished colleague from Nebraska for presenting so forcefully his thoughts on this subject. Something has been said about the risk involved. Can the Senator think of any greater risk to the entire Western Hemisphere, any greater risk to the United States, than to continue to do nothing, and thus ignore the Communist threat in the Western Hemisphere? Is there any greater risk than that?

Mr. HRUSKA. The Senator is correct in ascribing to the situation the importance that he does. There is no greater risk than that. Let me cite a simple analogy.

Not so many years ago we found the same type of Soviet Operation Nibble at work in Europe. There were subversive efforts, economic pressures, even, of direct military pressures, here and there, along the borders of the various countries. There was only one answer to Operation Nibble: It was the creation, for that particular type of situation and those circumstances, of NATO—the North Atlantic Treaty Organization. NATO was designed for the purpose of preventing the biting off, chunk by chunk, of the territory, political integrity, and liberties of the people of Western Europe, to the point where complete domination would be reached.

We have the same type of operation in this hemisphere; and there is no greater menace than the one now facing us by

reason of the illegal and revolutionary tactics being practiced in Latin American countries by Castro Communists and the Russian Communists based in Cuba.

Mr. CURTIS. After all, if a building is on fire, although it can be said there is risk in having a fireman climb a ladder or in having a fire truck run through the streets, yet such risk is minimal when compared with the risk of letting the fire spread generally. We are faced with a similar situation as regards Cuba.

In connection with my colleague's valuable remarks, I should like to state that I hold in my hand a speech delivered by a very distinguished former Member of this body, Hon. William F. Knowland, of California, who formerly served as majority leader and also as minority leader of the Senate. I wish to read several sentences from the speech:

Ninety miles from our shores there is a Soviet base in Cuba. We have had a vacillating policy relative to Castro. We have at one time or another encouraged him, tried to ignore him, entertained him, encouraged but failed to support an invasion against him, paid him ransom and tribute of millions of dollars in cash and supplies to release the Bay of Pigs prisoners; subverted our own judicial and legal processes by releasing Cuban criminals and gunmen in exchange for Americans held in Cuban prisons. In dealing with the Soviet base in Cuba we marched up the hill last October and since then have marched most of the way down again.

Mr. President, if my colleague will yield further, I ask unanimous consent to have printed in the RECORD, following his speech and the colloquy in connection with it, the speech delivered by Senator Knowland at the National Sheriffs' Association convention at Portland, Oreg., on July 15.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY WILLIAM F. KNOWLAND, NATIONAL SHERIFFS' ASSOCIATION, PORTLAND, OREG., MULTNOMAH HOTEL, 11 A.M., MONDAY, JULY 15, 1963

Mr. Chairman and members of the National Sheriffs' Association, last November I received your invitation to speak at this Portland convention. A great deal has happened, at home and abroad, since that time.

Like most small boys I considered sheriffs and locomotive engineers to be the tops in future occupational possibilities.

The change from steam locomotives to diesels modified my views of one and the substitution of prowl cars for horses lessened my enthusiasm for the other.

After 6 years in the legislature of my State of California and over 13 years in the Senate of the United States, 6 of which were as majority or minority leader I developed a deap-seated conviction that the real strength of our Nation is in local government of which your people are an integral part.

The men who founded this Republic were very wise. They knew the history of the world up to their time. They knew that where people had lost their freedom it was because of the concentration of power in the hands of a single individual in a nation's capital.

As a result the Constitutional Convention which met in Philadelphia in 1787 determined to guard future generations of Americans from tyrannical government. They did it by:

(1) Making ours a Government of laws and not of men.

(2) Providing that government was the servant and not the master of the people.

(3) Dividing power in the Federal Government between three coequal branches as checks and balances one against the other.

(4) By choice, making the Federal Government one of limited and specified powers and reserving all other powers to the States or to the people thereof.

They were still not satisfied that they had completely achieved their objective so in 1789 there were proposed and by 1791 the requisite number of States had ratified our first 10 amendments which we know as the "Bill of Rights" guaranteeing certain rights to the people which neither the Federal, State, nor local governments can take away from them.

Since that time we have amended our Constitution 23 times. To be sure this is, as it should be, a long and a difficult process.

We must never quietly permit the Constitution to be short circuited because some "whiz kid" decides that in this age of space travel and automation the American Constitution is antiquated or too cumbersome.

Neither executive fiat, judicial legislating or congressional resoluting should change the basic frame of structure of our Government or the guaranteed constitutional rights of our people.

Civil rights are far more broad than racial rights alone.

These include the right to walk our streets day or night without danger to life, limb, or property; the right to own, manage, and dispose of property; the right to associate with friends of one's own choice; the right to have gainful employment and to stay or leave the job based upon one's own choice and judgment. These are also civil rights entitled to the protection of Federal, State, and local authorities.

Whenever a mob can deny these rights regardless of the composition of these who would take over the streets from their use by peaceful citizens and from the duly constituted civil authorities we have a breakdown of constitutional government.

It is too bad that those who have led the fight for one segment of civil rights have not equally stressed civil obligations and civil responsibilities.

Every American citizen has the right to register and vote according to the qualifications for voting established by each of our 50 States and to do this without having discriminating standards applied to the individual applicant or voter because of race, creed, sex, or color.

Every American citizen has a right to patronize or withhold his purchasing power according to the choice he and his family make in the marketplaces of the Nation.

By his political action and economic participation an opportunity is given to every citizen to have his say in influencing events now and over the future years.

But he has no right to ride roughshod over the constitutional rights of the rest of our citizens. No pressure group minority can impose by unconstitutional means its views upon the majority of our people without their consent. Changes can only be made through the constitutional process of amendment.

The American people are a just people, they are a patient people, they are an understanding people, and they are a law abiding people.

But if pushed too far (as King George III, Kaiser Wilhelm, Hitler, and Tojo learned to their sorrow) they are capable of taking the necessary political or military steps to remove the dangers to their constitutional form of government. The ballot box can and will serve the majority as well as the minority.

The citizen who preaches civil obligations and responsibilities along with civil rights must practice what he preaches.

He cannot, as in the movie "High Noon," leave the problem of the bad men and gunmen to the lone law enforcement official. The attitude, too often prevalent among our people, "This is your problem, not mine" is not in keeping with American tradition.

Too often our newspapers, radio and television carry reports where the offender against the law has the moral if not the physical support of citizens as against the law officer carrying out his duty. The very least the officer has a right to expect is in the words of the early frontiersman "if you can't help me at least don't help the bear."

In this the press has a part of the responsibility. So do the sheriffs and police officers. The overwhelming number of law enforcement officers are dedicated men of integrity and courage. A few, a small percentage, from time to time betray their trust but so do a few bankers, political officials, newspapermen or civic leaders. The rest should not have the tar brush of "guilt by association" applied in an indiscriminate way.

The first amendment to the Constitution reads as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the people peaceably to assemble, and to petition the government for a redress of grievances."

This constitutional guarantee of a free press was for the protection of the people not just for the protection of newspapermen.

I do not say to you that there are no arbitrary or unreasonable men in the fourth estate but I do say that the overwhelming majority of them are trying to discharge their obligation to keep the public informed about the news of the day—local, area, State, national, and international. They are working against deadlines where their mechanical problems make 5 or 15 minutes vital in making an edition. Returning a city editor's or a reporter's call 2 hours or an hour after receiving it can mean the public is not as informed as it should be.

Sometimes public officials on the national, State, and local level forget that they are public servants and that public business is the public's business. They classify as secret or confidential that which is not necessary to so classify by any legitimate security standards.

As one who has been both a public official and a newspaperman may I suggest that you invite your city editor, editor, and publisher down to your office to get a better understanding of your problems and that you in turn (if you have not already done so) visit your newspaper plant to learn more about the problems of publishing a metropolitan, suburban, or rural newspaper. I have found in life that, for the most part, the better we know a person the less difficult it is to deal with him. There are, of course, exceptions to the rule, but not many.

We have discussed some domestic problems. Now let us turn to the foreign field. Experience has taught you as law men that you cannot appease the criminal or the gangster. As in foreign affairs the road to appeasement is not the road to peace but in fact is only surrender on the installment plan.

In order to gain our independence the founders of our Republic pledged to each other "Our lives, our fortunes and our sacred honor."

Ninety miles from our shores there is a Soviet base in Cuba.

We have had a vacillating policy relative to Castro.

We have at one time or another encouraged him, tried to ignore him, entertained him, encouraged but failed to support an invasion against him, paid him ransom and tribute of millions of dollars in cash and supplies to release the Bay of Pigs prisoners; subverted our own judicial and legal processes by releasing Cuban criminals and gunmen in exchange for Americans held in Cuban prisons.

In dealing with the Soviet base in Cuba we marched up the hill last October and since then have marched most of the way down again.

Last October the strong stand of the President which had the support of a united Congress, widespread public approval, the wholehearted support of our Latin American states and the backing of our NATO allies has been frittered away.

Khrushchev was not prepared for a showdown 90 miles from our bases and 5,000 miles from his. He may be in the future when his Cuban base is augmented by others.

Despite the Monroe Doctrine and a current expression from the American Congress that foreign bases and missiles in the Western Hemisphere would be contrary to our vital national interests the Soviet Union challenged us in our own backyard.

During the October exchange of letters between President Kennedy and Chairman Khrushchev the latter has suggested we get our missiles out of Turkey and Italy in exchange for his getting Soviet missiles out of Cuba. Our Government denies any "deal." But without advance consultation and agreement with our allied Italian and Turkish Governments we have taken our missiles out of those two countries.

Was it historic coincidence or was it a "deal" with Khrushchev? I don't know. Members of Congress of both parties have told me they don't know either.

During the Korean war the obstructionists to the winning of that war as advocated by General Douglas MacArthur said that our further involvement (bombing the Chinese Communist bases across the Yalu) would be fighting the wrong war, in the wrong place at the wrong time.

As a U.S. Senator I did not agree with that defeatist policy then and as a private citizen I do not agree with it now after 13 years of reflection upon those events.

American forces were required to fight with restrictions never before placed on our fighting men. They had to leave in the privileged sanctuary of north of the Yalu the bases from which Chinese Communist forces were attempting to decimate our divisions and shoot down our air power.

At that time (in 1950–52) we were in exclusive possession of the atomic weapon and an effective means of delivery.

We accepted what at best may be considered a stalemate because we wouldn't pursue the enemy to his lair or even to use a tight blockade to prevent petroleum products including aviation gasoline from getting to the enemy while we were suffering 160,000 casualties in Korea.

This didn't make sense to me then and it doesn't now. It was too high a price to pay for the good will of the neutralist states.

Mr. Nehru's neutralist views regarding Chinese Communists have changed some since the overrunning of Tibet and the invasion of India.

Mine, regarding Communists are the same as they were before, during and since the Korean war.

Even if one agrees that because of distance the Yalu bases where in the wrong place at the wrong time to meet the challenge to human freedom can anyone say that Cuba is the wrong place and October of 1962 was the wrong time?

Or have we become so much a captive of the "peace at any price" and "better red than dead" philosophy that we are prepared to surrender bit by bit and piece by piece at the constant "nibbling tactics" of the Soviet Union.

From that high point of last October where President Kennedy appeared to be functioning in the President Theodore Roosevelt tradition we have been brushing Castro's beard with a feather duster.

Last October we demanded the removal of the missiles and on the ground inspection to see that this was carried out.

Though history is replete with examples that the word of the Soviet Union is not worth the paper upon which it is given we backed down from our "on the ground" inspection requirement and took the word (without boarding their ships to inspect) of the Soviet Union that the canvas covered objects on deck were indeed all the missiles going back to the Soviet Union from Cuba. How naive can we be?

We did not insist on the immediate withdrawal from Cuba of all Soviet Armed Forces though these as well as the missiles were both there contrary to the Monroe Doctrine and the Rio Pact.

An Assistant Secretary of National Defense, Arthur Sylvester, has enunciated the doctrine of the "right to lie" to the American people. He has not to this date been repudiated by either Secretary of Defense McNamara or by the President of the United States.

This is no "refusing to comment" or "declining to give out a release" on an inquiry by the press. The "right to lie" is deliberately misleading the American people.

The administration has not escaped the penalty of such a policy. Millions of Americans no longer know when they are being lied to and when they are being told the truth. I sincerely regret this is so, for if there is ever a need for a people to have confidence in the statements of the Government it is when we face the menace of international communism.

The only way confidence will be restored is for Assistant Secretary Sylvester to be removed from his job of "managing the news" of the Defense establishment and for his "right to lie" doctrine to be repudiated by both President Kennedy and Secretary McNamara. Anything less will insult the intelligence and continue to shake the confidence of the American people.

Senator KEN KEATING of New York has more accurate information on Cuban missile bases than the administration weeks in advance of October 22. At least the Defense Department was denying their existence until the President's speech to the country. Why? The Cubans knew the missiles were there for they had imported them. The Soviet Government knew they were there for they had supplied them.

Only the American people were deceived and they were the ones at whom they were aimed.

On Sunday, October 21, 1962, the newspapers reported that a Defense Department spokesman denied the cancellation of the trip of President Kennedy, Secretaries Rusk and McNamara had anything to do with the Cuban or Sino-Indian crisis.

Monday afternoon, October 22, 1962, the President discussed for the first time the proof of Soviet missile bases in Cuba.

Weeks earlier Members of the Senate and the House had pointed out that Soviet missile bases were in Cuba.

On September 17, 1962, at the Los Angeles Rotary Club, I said: "The buildup of a missile base in Cuba—90 miles from our shores—is a clear violation of the Monroe Doctrine."

In April of this year President Kennedy in his press conference said that about 4,000 Soviet troops had been withdrawn from Cuba.

This still left from 12,000 to 13,000 Soviet troops in Cuba even if the 4,000 were a net withdrawal.

Senator KEATING states that approximately 3,000 to 4,000 have been sent to Cuba while the others were being withdrawn. These facts have also been released by a report released May 9 by the Senate Preparedness Committee.

I believe Senator KEATING and the Senate committee under Senator STENNIS have done a great service in giving the American people the whole picture on Cuban troop movements rather than just half the picture.

This administration after its less than half-hearted aid to the free Cubans at the time of the Bay of Pigs disaster when only air cover could have assured success of the venture has now withdrawn support from the Cuban exiles. Not only are they forbidden to use U.S. territory as a point of departure which is at least understandable from a point of view of international law but we go farther and along with the British intercept them when they depart from other countries and are on international waters.

It seems to me we are applying naval sanctions upon the wrong people.

Thirteen years ago we gave the Communists a sanctuary across the Yalu. Now we give both Cuban and Soviet Communists a sanctuary 90 miles from our shores.

This is not a partisan question. Not long ago I spent several days in Washington. Democratic as well as Republican Members of the House and Senate are deeply troubled over Cuban policy or lack of one.

The answer one gets from the whiz kids whose advice finds its way to the President is: "Would you have this country invade Cuba and risk the danger of all-out war?"

They try to slam the door on congressional and public discussion while at the same time spoon feeding the public only what they want the public to know.

On this they will not be successful. A great debate is now underway at every crossroads, village, and town in America. It will spread until we will have an American policy that is sound and defensible.

Let me tell you what it will not be before I give you my views on what it should be.

(1) It will not pay extortion or permit the payment of ransom to any nation, Communist or otherwise.

(2) It will not torpedo the Monroe Doctrine as a basic cornerstone of American policy.

(3) It will not be founded upon lies, half truths or news blackouts in order to make it swallowable by the American people.

Recognizing that there are risks involved in any policy we follow other than complete surrender or appeasement which is a form of surrender on the installment plan I would be prepared to take whatever risks are involved for my country, for my family, and for myself.

Our general worldwide guideline to our State Department and to our Foreign Service should be:

The U.S. Government and the American people are dedicated to human freedom. What advances it we will support and what undermines or destroys it we will oppose.

In support of this general directive the Government of the United States will examine the facts and then take whatever steps our national interests require.

We shall neither feel required to telegraph our punches in advance nor will we establish privileged sanctuaries of operations for communism while communism is engaged in a worldwide conspiracy to destroy human freedom.

Now to the specific Cuban cancer.

(1) The President should proclaim that the Monroe Doctrine has been reestablished as a keystone of American policy in the Western Hemisphere.

(2) The President should address another private letter to Mr. Khrushchev stating that the continuation of Soviet forces in Cuba is in clear violation of the Monroe Doctrine and that in the interest of our mutual desire to maintain the peace of the world they should be withdrawn.

(3) If a completely satisfactory reply is not received by the President he should ask to speak to a joint session of the House and Senate. At this session he should ask the Congress for a joint resolution in support of the President to secure the removal of

every Soviet soldier from Cuba. He should request legislation permitting the immediate recruitment, equipment and training of "Freedom Volunteers Corps." I believe many more Americans would make their contributions to such a corps than contributed to the blackmail ransom tax-free donations of last year.

If Khrushchev should be cooperative the President could offer to furnish sufficient U.S. transports and cargo vessels to return all troops and their equipment to the Soviet Union. If Khrushchev is not cooperative it should include:

(1) Joint action by all the Western Hemisphere countries (or as many as will cooperate) notifying the Soviet Union that if all such troops and their equipment is not out of Cuba by a stated date that all Soviet embassies will be closed and diplomatic relations will be suspended with the Soviet Union until such troops are withdrawn.

(2) The placing of U.S. air, naval and ground forces on an alert basis at least equal to that which existed in October of 1962.

(3) If the Soviet forces are not withdrawn by the date set pursuant to paragraph (1) a joint blockade (both sea and air) to cut off all shipments to Cuba except for food and medical supplies.

(4) If the Soviet forces are not fully withdrawn the U.S. should encourage the creation of a freedom volunteer corps (air and ground). This would be open to free Cubans, Hungarian freedom fighters, members of U.S. reserve units who could volunteer without losing their retirement or other rights, veterans of Polish, Czechoslovakian World War II forces, volunteers from trained units of free Chinese and free Korean forces, and any other experienced fighters who are prepared to strike a blow for freedom. The plane cover would be flown by experienced combat fliers like Chennault's Flying Tiger volunteers in China.

Since these would be volunteers and since the use of Chinese Communist volunteers at the time of the Korean war were not looked upon by the United Nations as being a casus belli by the Chinese Communist regime, we have ample precedent and quotable quotes for any who might feel called upon to object at the Security Council of the General Assembly of the United Nations.

Such volunteers would be adequately equipped with air, ground, and naval forces to make decisive landings and/or feints simultaneously along the Cuban coasts.

Its international banner could be the torch of freedom that is held aloft from the Statue of Liberty and has been an inspiration to men and women who love freedom everywhere.

(5) Notice would be served that following the removal of Castro and the Soviet forces that a trusteeship would be established under the Organization of American States until free elections could be held by the Cuban people.

(6) U.S. ground, naval, or air forces would not be used unless the Soviet Union attempts to reinforce its garrison or commit a hostile act against the United States or its allies.

This I would call the progressive squeeze policy to offset the Communist nibbling process.

Of course risks are involved. But if the signers of the Declaration of Independence had not taken risks, we would not be here now. Risks have been taken throughout our history to gain, preserve, and protect our way of life.

The risk of doing nothing is, in my judgment, far greater to our ultimate survival.

To international communism the time is rapidly approaching, if indeed it has not already long since passed for the free world to say, "You have gone far enough." And for Americans to say, "Indeed you have gone too far when you have established your bases in Cuba 90 miles from our shores."

If we have no confidence in ourselves, no real devotion to our way of life, no determination to "pledge to each other our lives, our fortunes, and our sacred honor" to maintain the freedom others provided, how can we hope to hand a free society to our children and grandchildren?

Mr. CURTIS. Mr. President, I thank my colleague.

Mr. HRUSKA. I thank my colleague, Mr. President. I am very grateful to him for the colloquy we have had this afternoon; and in that connection I also thank the Senator from Colorado.

VISIT TO THE SENATE BY PARLIAMENTARIANS FROM ETHIOPIA

Mr. HUMPHREY. Mr. President, the Senate is privileged today to have in the Chamber as guests of the Senate three distinguished and honorable members of the Parliament of the country of Ethiopia. I consider it a high privilege and honor to introduce these distinguished members of the Ethiopian Senate and Chamber of Deputies to the U.S. Senate.

I am sure that all of us have warm spots in our hearts for the brave people of this gallant country. We remember its days of difficulties. We rejoice in the fact that the people of Ethiopia and their honored Emperor and distinguished representatives in government have made a remarkable recovery and are good and steadfast friends of freedom and of the United States of America.

Today some of our colleagues in the Senate joined with me in a luncheon in the committee room of the Committee on Foreign Relations.

I now present to the Senate his Highness Dejazmatch Assrate Kassa, President of the Senate of Ethiopia; His Excellency Lij Araya Abebe, a member of the Ethiopian Senate; and Honorable Ato Tadele Yigezu, a member of the Chamber of Deputies of Ethiopia.

I ask my colleagues to join me in welcoming them.

[Applause, Senators rising.]

Mr. DIRKSEN. Mr. President, I remember, with great fascination and interest, the time long ago when the distinguished Emperor of Ethiopia was the guest of this country. As I recall, we welcomed him at one of the joint meetings of the two Houses of Congress. He created great interest in the United States, and gained the support and sympathy of the people of our country. Our people have followed with great interest the destiny and fortunes of Ethiopia as she has been blazing the trail for equality and freedom and leadership of a great continent.

We join with the distinguished acting majority leader [Mr. HUMPHREY] in extending the hand of fellowship and welcome. We are delighted to have you as guests of the Senate.

Mr. LAUSCHE. Mr. President, as these representatives of the Ethiopian nation travel through our country I am sure they will be received with warm hearts and welcome hands everywhere they go. Our people have not forgotten the heroic and gallant position taken by the Ethiopians 25 years ago. Their land was invaded. Their country was one of the first to fall. They suffered immeasurably through persecution, destruction of property, and destruction of human beings.

When the hours were long, when our people were looking around the world for friends, the Ethiopians were at our side. That memory is still with us. It is with our people.

I am glad to welcome you to the United States.

Mr. HUMPHREY. Mr. President, in order that our colleagues in the Senate may know more about our honored guests, I ask unanimous consent that biographical material relating to these distinguished gentlemen may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL INFORMATION ON HIGHNESS DEJAZMATCH ASSRATE KASSA OF ETHIOPIA, A PARTICIPANT IN THE FOREIGN LEADER PROGRAM OF THE DEPARTMENT OF STATE, WASHINGTON, D.C.

Name, Assrate Kassa.

Present address, the Office of the President of the Senate, Addis Ababa, Ethiopia.

Personal data: Birth, Fiche, Shoa Province, 1914; citizenship, Ethiopian; knowledge of English, excellent; other languages, Amharic; marital status, married, 7 children; religion, Coptic Church.

Present position, President, Senate of Ethiopia.

Past positions, colonel Ethiopian military service; Governor General of Provinces Welega, Arussi, Shoa, and Beghimdir; Vice President, Senate of Ethiopia.

Academic background, educated in England, secondary school, Bath; 3 years theology, Wales Bible School, Swansea.

Travels, Europe and Africa.

Hobbies and other interests, photography and farming, studying ancient Ethiopic manuscripts.

BIOGRAPHICAL INFORMATION ON HIS EXCELLENCY LIJ ARAYA ABEBE OF ETHIOPIA, A PARTICIPANT IN THE FOREIGN LEADER PROGRAM OF THE DEPARTMENT OF STATE, WASHINGTON, D.C.

Name, Araya Abebe.

Present address, the Office of the Senate, Addis Ababa, Ethiopia.

Personal data: Birth, Sidamo Province, 1909; citizenship, Ethiopian; knowledge of English, excellent; other languages, Amharic; marital status, married, one child; religion, Coptic Church.

Present position, member, Ethiopian Senate.

Past positions: Officer, Ethiopian Army; President, Ethiopian World Foundation; Director, General Customs; Minister, Posts and Telegraphs; Minister, Public Works; Ambassador to Greece.

Academic background, studied in Ethiopia and India.

Travels: United States, England, Greece, Germany, India, China, Japan, and Brazil.

Hobbies and other interests, agricultural projects, gardening.

BIOGRAPHICAL INFORMATION ON THE HONORABLE ATO TADELE YIGEZU OF ETHIOPIA, A PARTICIPANT IN THE FOREIGN LEADER PROGRAM OF THE DEPARTMENT OF STATE, WASHINGTON, D.C.

Name, Tadele Yigezu.

Present address, c/o Chamber of Deputies Addis Ababa, Ethiopia.

Personal data: Birth, Shashemare, 1931; citizenship, Ethiopian; knowledge of English,

good; other languages, Amharic; marital status, married, one child; religion, Coptic Church.

Present position, member, Chamber of Deputies representing Haykoch, Butogera.

Past positions, school teacher, Director Shashemane.

Academic background, secondary education, Haile Selassie First Day School.

Mr. HUMPHREY. Mr. President, our friends from Ethiopia will visit many areas of our Nation and will go back to their homes with a better understanding of the United States. Those of us who have been privileged to be with them this afternoon have a much finer understanding of the great qualities of the people of Ethiopia and their country.

The PRESIDING OFFICER. On behalf of the Senate, the Chair extends a cordial welcome to our distinguished guests.

LOCATION OF CHANCERIES OR OFFICES OF FOREIGN GOVERNMENTS IN CERTAIN RESIDENTIAL AREAS OF THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (S. 646) to prohibit the location of chanceries or other business offices of foreign governments in certain residential areas in the District of Columbia.

Mr. McINTYRE. Mr. President, S. 646, a bill prohibiting location of chanceries of foreign governments in residential areas of the District of Columbia, was introduced by Senator FULBRIGHT, the distinguished chairman of Senate Committee on Foreign Relations.

The purpose of S. 646 is to preserve a suitable environment for family life in residential areas of the District of Columbia by preventing the further encroachment of business establishments in these areas of the city.

S. 646, as amended, provides that no foreign government shall be permitted—with the exception of making ordinary maintenance repairs—to construct, alter, repair, convert, or occupy any building for use as a chancery, chancery annex or other business office on any land, regardless of the date of its acquisition, within any residential district in the District of Columbia. The bill is not intended to have a retroactive effect and, accordingly, it will not prohibit a foreign government from continuing to use any chancery which that government has lawfully used as a chancery prior to the date of the bill's enactment. Nor will the bill affect the location of embassies which, because of their truly residential nature, will continue to be eligible for sites in any appropriate residential area or district of the city.

The committee recognizes that certain property owners may possess nonconforming uses in connection with their land. It is not the intention of the committee in enacting this bill, to modify in any way existing vested rights in property being used by foreign governments as chanceries at the time of the enactment of the bill.

The committee, on May 3, 1963, held public hearings on the bill. During the hearing, witnesses representing the State Department, the District of Columbia government, and various business, civic, and neighborhood organizations testified. The majority of such witnesses recognized the urgent need for more stringent regulation of chanceries or business offices of foreign governments in the District of Columbia. Moreover, representatives for the State Department, and the District of Columbia government were unanimous in concluding that efforts in the past of administrative regulation of zoning for chanceries in the District had not been successful from the standpoint of the foreign governments, the State Department, the District government or the residents of the District of Columbia.

Pursuant to considering all the views presented at the May 3 public hearing, the committee concluded that the legislative policy, intended by the bill, could best be achieved by prohibiting future construction, enlargement, alteration, or occupancy of chanceries in all residential neighborhoods.

As introduced, the bill would have prohibited location and enlargement of chanceries in only one type of residential district, namely, an area where one-family detached dwellings may be located. It was the opinion of the committee that such a provision would unfairly discriminate against residents of the more populous residential districts where row housing, apartments, and other high density living accommodations are permitted. Since the principal objection to chanceries in residential areas is that they are commercial establishments which generate parking inadequacies and traffic congestion and adversely affect living conditions, the committee did not feel that it could logically prohibit their inclusion in the least dense residential districts and at the same time permit them in the areas of greatest density. Therefore, the committee unanimously approved an amendment to the bill which prohibits the location of these commercial establishments in any residential district. This, in effect, places a foreign government in the same status as a U.S. citizen or business entity with respect to the location of its business activities within the District of Columbia.

The committee is aware that although chanceries are business establishments, there is a unique character to their business activities. To help meet the future needs of foreign governments for appropriate sites for chanceries, the Committee has urged the Board of Commissioners of the District of Columbia, the District of Columbia Redevelopment Land Agency, and the National Capital Planning Commission to cooperate with the Department of State to explore the feasibility of establishing a specialized diplomatic enclave for chanceries in some appropriate area of the District of Columbia. Such an enclave would not only solve the chancery problem in the District of Columbia, but equally important, could become a civic asset to the Capital City of the United States and beneficial to foreign governments in their business activities.

Mr. President, the bill as amended is uniform and nondiscriminatory in every respect and is designed to bring order out of an increasingly difficult situation and should for the reasons stated be approved by the Senate.

Mr. CURTIS. Mr. President, will the Senator yield at that point for a question?

Mr. McINTYRE. I yield.

Mr. CURTIS. Is it the intent of the committee that any property which, as of the present date, is not being used for a chancery will be permitted to be used by a foreign government for a chancery?

Mr. McINTYRE. The intent of the bill and the committee is that up until the time of the enactment of the bill there will be no retroactive effect in relation to what may now be the situation. The bill looks forward to a date of enactment and, as of that time, as is stated in the first clause of the bill, the bill would prohibit the construction or alteration of chanceries in residential areas. However, the committee has been intent upon preserving any existing vested legal rights.

Mr. CURTIS. I agree. But how about legal rights established between today and the time the bill might be signed into law? What is the position of the committee on that question?

Mr. McINTYRE. The committee's position is clear. Any legal rights that are now vested or may be vested before the bill became law would be preserved.

Mr. CURTIS. Even though they do not now exist?

Mr. McINTYRE. Even though they do not now exist. If the Senator has reference to any particular set of facts, perhaps I shall be able to answer the question more fully.

Mr. CURTIS. I call to the Senator's attention the language of the bill appearing on page 2 beginning in the middle of line 10. Prior thereto the language on page 2 is clear. The language provides that hereafter foreign governments shall not have the right to proceed to build and use buildings under certain conditions. Then in line 10 the following language appears:

> Nothing in this subsection shall prohibit the continued use as a chancery, chancery annex, or other business office of any building lawfully being used for that purpose on the date of enactment of this subsection, or to prohibit the making of ordinary repairs to any such building.

The way that provision is drawn any foreign government could move into any kind of building, including a residence, a contractor's shack, or anything which was permanently attached to the land, install some typewriters and other office equipment, and start to do business as a chancery after the bill was passed. If the foreign government should establish its chancery before the bill became law, it would be saved by the provisions of the bill.

That provision is an invitation to defeat the intent and purpose of the bill. It invites uncertainty. I would hope that the committee itself would correct the language. If it does not do so, in due course I shall offer an amendment. My amendment would strike out on page 2, line 13, "the date of the enactment of this subsection" and insert "January 31,

1963," because that was the date on which the bill was introduced. I would accept the date July 24, 1963. As the language is written there is a hiatus, and some foreign government could defeat the purpose of the bill.

Mr. McINTYRE. Mr. President, I should like to address myself to the question of my distinguished colleague. On page 2 of the bill, beginning with the terminology after "the date of the enactment of this subsection," there appears the prohibitory clause which looks to the future insofar as chanceries and chancery annexes are concerned.

The clause which the Senator has pointed out is nothing more or less than a saving clause. It is not the intent of the committee—and I am sure it is not the intent of the Senator from Nebraska—that a law should be enacted which would affect the legal position of chanceries that are now in operation.

Mr. CURTIS. If the Senator will amend the language so that today's date appears at the point I indicated, I shall settle for that provision. But the Senator desires to make the date at a future time.

Mr. McINTYRE. We wish to make it the date upon which the bill would be enacted.

Mr. CURTIS. Such language would give the governments affected several months in which to act. Most proposed legislation is started in the first session of the Congress and ends the next year. Often that happens.

As the language now appears, if a foreign government could establish some rights between now and the time the President signs the bill, it would be saved by that provision of the bill.

Mr. McINTYRE. Any foreign government that would take it upon itself, in the present state of affairs, to act in that way while the bill is pending would be ill advised. If that government had gone ahead and expended the funds and then the bill should become law, the foreign government's position would certainly be prejudiced. For example, assuming a hypothetical case, it is my understanding of the bill that an application pending before the Board of Zoning Adjustment of the District of Columbia might be granted by the Board of Zoning Adjustment.

An appeal might be taken from the permission granted, by interested citizens. During the time the hypothetical case was pending, if the bill became law before the chancery in question secured a permit for construction, as distinguished from zoning permission, it is very likely that no building inspector or licensing director of the District of Columbia would issue a permit.

Mr. CURTIS. I do not think we should leave the situation in that hazy state. Furthermore, building permits of this type are not the type a particular inspector or administrative officer in the District of Columbia can rule upon. He is subject to diplomatic pressures and arguments of all kinds. He must yield to so-called higher authority. If we were dealing with American citizens, I think that would be true.

The distinguished Senator stated that it is the desire not to make anything retroactive. I agree with that. That is a two-way street. If we pledge that we will not take something away from somebody who has something now, we also should say we will not permit anybody to acquire any additional rights while this proposal is going through the legislative process.

Mr. McINTYRE. Mr. President, in response to certain questions raised by the Senator from Nebraska, the Senator seems to be trying to indicate that unless a specific date is put into the bill there will be a situation in which various foreign governments or people will be running around trying to acquire some sort of vested interest in something, pending the enactment of the bill. This overlooks the true situation, which is that any person seeking to establish a chancery on any property which falls within the purview of the zoning regulations must, in the ordinary course, go to the District of Columbia Board of Zoning Adjustment and make his application and provide the facts which would enable him to obtain a special exception.

Mr. BEALL. Mr. President, will the Senator yield to me?

Mr. McINTYRE. I am happy to yield to my colleague on the committee, the distinguished Senator from Maryland [Mr. BEALL].

Mr. BEALL. I thank the Senator.

Mr. President, the citizens of the District of Columbia are entitled to the relief which this bill would grant to them. They are entitled to have their homes and neighborhoods protected from the deteriorating effects of encroachment by commercial establishments—whether these commercial establishments be business offices of a foreign government or private business offices.

The foreign governments in our Nation's Capital are here at our invitation. As our friends they are entitled to be treated with fairness. Fairness in this situation is to have the same status as a U.S. citizen or business entity with respect to the location of their business activities within the District of Columbia. That is what this bill gives them.

The hearings held before our Committee demonstrated clearly that the District Government, the Department of State and many responsible civic organizations all agree that the increasing number of chanceries in residential areas in the District of Columbia has had an adverse effect on residence property. The State Department in a letter to the Committee reporting on the bill as originally introduced stated.

> The chancery situation in Washington has for a long time been confused and unsatisfactory for all parties concerned. The Department of State would welcome an equitable and reasonable law prohibiting the future construction of chanceries in designated residential areas of the District of Columbia.

This bill is "equitable and reasonable" because it applies in a completely nondiscriminatory way to all nations and to all types of residence districts. It is "equitable and reasonable" because it preserves existing vested property rights in property being used by foreign governments as chanceries.

During the course of consideration of this bill by the committee the distinguished Senator from Oregon who always finds time to bring his invaluable legal and legislative skills to bear on District problems, made what I think is a most valuable suggestion. The Senator from Oregon [Mr. MORSE] suggested that the future needs of foreign governments for chancery sites could be met by the establishment of a diplomatic enclave for chanceries in an appropriately zoned area of the District of Columbia. The committee was very much in favor of this suggestion and the report on the bill reflects this by urging the appropriate District authorities and the State Department to explore this matter as a long-range solution to the problem.

Mr. President, last week the Senate passed legislation permitting urban renewal in commercial areas in the District of Columbia. The bill before us today has a bearing on the urban renewal bill in that we are suggesting that new locations be sought for chanceries. This is consistent with the suggestion of the Senator from Oregon that a Diplomatic Enclave be established in the District.

In closing, Mr. President I would like to commend the Senator from New Hampshire [Mr. MCINTYRE] for the excellent way in which he has guided this bill through the committee so that it now does uniform justice to the citizens of the District of Columbia and to foreign governments who will in the future seek chancery sites in the Nation's Capital.

Mr. McINTYRE. I thank the distinguished Senator from Maryland.

Several Senators addressed the Chair.

Mr. McINTYRE. I yield to the Senator from Nebraska [Mr. CURTIS].

Mr. CURTIS. Mr. President, I expect to offer an amendment. I seek recognition in my own right.

Mr. President, I send the amendment to the desk.

Mr. KEATING. Mr. President, a point of order. Has the Senator from New Hampshire surrendered the floor?

Mr. McINTYRE. The Senator from New Hampshire has the floor. He has yielded to the Senator from Nebraska.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. The Senator from Nebraska appreciates very much the yielding by the distinguished Senator from New Hampshire. I prefer, however, to be recognized in my own right, for the purpose of offering my own amendment. Has any time limitation been entered into? Is the Senate operating under controlled time?

The PRESIDING OFFICER. There is no controlled time in effect.

Mr. CURTIS. Then I ask to be recognized on my amendment.

Mr. KUCHEL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Chair will advise the Senator that his

amendment is out of order at the present time. The committee amendment has not been acted on.

The clerk will state the committee amendment.

The LEGISLATIVE CLERK. On page 2, line 6, it is proposed to strike out "one family detached dwelling".

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, a point of order. Who has the floor?

Mr. CURTIS. Mr. President, if I may have unanimous consent, I will yield for disposition of the committee amendment. I will then proceed to offer my amendment.

Mr. KUCHEL. Mr. President, reserving the right to object, I wish to raise a question with my friend. I wish to propound a question to the distinguished Senator from New Hampshire with respect to the purport of the bill as it would be amended, and in that connection I wish to make a little legislative history before listening to what my able friend from Nebraska has to offer.

Mr. CURTIS. Mr. President, I yield for that purpose, without losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KUCHEL. Mr. President, referring to page 25 of the hearings, I recall that I wrote a letter to the committee on behalf of a California constituent. I ask unanimous consent that the entire text of my letter appear in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 10, 1963.

Re S. 646, 88th Congress,
HON. THOMAS H. KUCHEL,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR KUCHEL: As you already know, since March 1961 I have been and am the owner of the premises known as No. 2127, which is family occupied, and No. 2129 LeRoy Place NW., in the Kalorama area of the District of Columbia. Since August 1, 1962, No. 2129 has been and is leased to and used by the Jamaican Government as a chancery. Such premises have been used for chancery purposes for all practical purposes since its construction in about 1908. The cost involved to convert this four-story edifice from a chancery to a residence would be prohibitive. Further, it is extremely doubtful that, if converted, a purchaser could be found at a price commensurate with the cost of conversion.

Although the particular area in which my property is situated is not zoned for chancery use, my attorneys advise that such use was permitted pursuant to the zoning regulations of the District of Columbia which allow a nonconforming use, lawfully existing on the effective date of the zoning regulations, to continue. A recent decision of the Board of Zoning Adjustment of the District of Columbia, however, apparently alters this result. The facts giving rise to that decision were that the subject property was used as a chancery of the Government of Morocco from September 1956 through November 1962. In December 1962, the Government of the Syrian Arab Republic leased this property for use by its chancery. In holding that a public hearing was required to determine whether such property could be leased as a chancery to the Syrian Arab Republic (or any other government, for that matter), and that a certificate of occupancy was not issuable as a matter of right for that purpose, the Board stated:

"With this as background, we must agree fully with appellant council that we are not here considering a nonconforming use as is envisioned by the Zoning Act and regulations. We believe, and so hold, that a chancery in a residence district, regardless of when it is or was established, or by what authority or board, is a nontransferable privilege and is not a right which runs with the land as does the usual nonconforming use authorized by the Zoning Act. The substitution of the chancery of one country for that of another is therefore subject to the review contemplated by paragraph 3101.410 of the regulations." *The Sheridan Kalorama Neighborhood Council, appellant,* v. *The Zoning Administrator, District of Columbia, appellee,* Appeal No. 7149, decided March 27, 1963.

It is clear from the penultimate sentence of S. 646, 88th Congress, that the continued use as a chancery of any building lawfully being used for that purpose as of the effective date of the proposed legislation would be allowed. I am advised by counsel, however, that, if S. 646 is enacted in its present form, doubt would exist by virtue of the first sentence on page 2 of the bill and the above cited decision of the Board of Zoning Adjustment whether, if the Jamaican Government vacated the premises known as No. 2129 LeRoy Place NW., I could lawfully sell or lease such premises to another government for use as a chancery. In order to clarify any ambiguity as to this issue, my counsel has suggested that the following be added on line 13 of page 2 of S. 646 between the comma following the word "subsection" and the word "or": "or prohibit such use after any sale or lease of any such building,"

My counsel further advise me that as a result of the above-cited decision of the Board of Zoning Adjustment, a building used as a chancery on May 12, 1958 (the effective date of the Zoning Regulations of the District of Columbia), which use has continued to the present time, might not be construed as "lawfully being used for that purpose" within the meaning of the penultimate sentence of S. 646. It is suggested, therefore, that the following sentence be inserted immediately after the period on line 15 of page 2 of S. 646.

"The use as a chancery, chancery annex, or other business office of any building on May 12, 1958, which use has continued to the date of enactment of this subsection, shall be considered lawful for the purpose of this subsection."

Thanking you for your kind attention and assistance in this matter, I am.

Respectfully,

RALPH V. DEVOTO,
Washington, D.C.

Mr. KUCHEL. Mr. President, I indicated that certain property has been owned by one of my constituents in California and has been occupied and used by the Jamaican Government as a chancery for a long period of time. With that background and understanding as to the intention of the committee in reporting the bill, I wish to phrase a question on legislative intent, and ask my able friend, the Senator in charge of the bill, for an answer.

Suppose that one government had occupied a building for chancery purposes prior to May 12, 1958, the effective date of the zoning regulations. Under the legislation, could such property then be sold or leased or hypothecated to another foreign government for continued use as a chancery? Will the Senator give us an answer to the question as a part of the history of legislative intent?

Mr. McINTYRE. I appreciate the interest of the Senator from California in the bill. I can understand his concern for his constituent, and particularly the situation of the law with reference to the question. What the Senator is really asking is whether the bill, S. 646, treats such chanceries as the Senator referred to as nonconforming uses. I wondered whether the bill extended such recognition to them and considered adding an amendment to that effect. I am not sure that this would be necessary, because the bill itself reads, on lines 10 and 11 of page 2, that:

> Nothing in this subsection shall prohibit the continued use as a chancery, chancery annex, or other business office of any building lawfully being used for that purpose on the date of enactment of this subsection or to prohibit the making of ordinary repairs to any such building.

And the courts of the District of Columbia have held that very similar language about continued use in section 7 of the District of Columbia Zoning Act means that property which has nonconforming use status may be transferred. The zoning act gives very explicit recognition to the right to continue lawful uses in effect at the effective date of any zoning regulation in the District. This bill does not in any way alter section 7 of the 1938 act, and I believe the protection of that section was meant to extend to all properties covered by the zoning regulations.

My colleagues on the subcommittee are averse to adding any express protections about the transferability of properties used for chancery purposes before the effective date of the zoning regulations. After all, the basic intention of the bill is to protect residential areas of the District of Columbia, and they would like to go as far toward that objective as we can without interfering with vested rights.

They believe that if, by any chance, the chanceries of foreign governments need not be regarded as nonconforming uses, this bill should not extend positive protection to them. There is a decision of the Board of Zoning Adjustment to that effect, reprinted at pages 103–104 of the hearings, the Sheridan-Kalorama case.

But I find little cause to doubt that the bill conforms to the policy laid down by Congress in 1938, that all property which subsequently fell or came under the zoning regulations could continue to be used. One factor which influenced my decision not to seek an amendment to the bill was a memorandum prepared by the Department of Justice and concurred in by the Department of State which covers just this point. The memorandum states, in part, that "the right to continue a nonconforming use, once established and not abandoned, is a vested right. Eitnier against Kreitz Corp., 172 A. 2d 320 (Pa., 1961)." The memorandum further states that "the law on this subject indicates that property owned by alien friends—and I interpret that as friendly foreign nations—"is protected to the same extent as property owned by American citizens. Yick

Wo against Hopkins, 118 U.S. 356, 369 (1886)."

I ask unanimous consent that the letter of the Department of State be printed in the RECORD at this point.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, July 12, 1963.

The Honorable THOMAS J. MCINTYRE,
Chairman of the Senate District Subcommittee on Commerce, U.S. Senate.

DEAR MR. CHAIRMAN: The following reply has been prepared in response to your request that certain legal questions be answered for the Subcommittee on Commerce of the Senate District of Columbia Committee relating to S. 646, which would prohibit the establishment of foreign chanceries from certain residential zones in the District of Columbia. Your first question is as follows:

"1. How does the Department feel, from a legal standpoint, about transferring a variance from zoning regulations obtained by a foreign government or a private person for a certain building located in a residential area? Our answer is to address itself exclusively to variances granted by the Board of Zoning Adjustment after 1958 and not to those granted before 1958 since the latter are regarded as nonconforming uses. Recently the Board of Zoning Adjustment ruled that it was illegal for the Zoning Administrator to grant a permit of occupancy to the Syrian Government in order for that Government to occupy a building previously used by the Moroccans as a chancery and for which the Moroccans had obtained a variance from the Board of Zoning Adjustment. It is felt by the committee that perhaps the ruling of the Board of Zoning Adjustment deprives the previous owner of his constitutional rights since it might cause the lowering of the value of the property."

The Department of Justice has furnished the following reply:

"In your question you refer to a recent ruling of the Board of Zoning Adjustment in which it was held that the Syrian Arab Republic may not, as a matter of right, occupy a building formerly occupied as a chancery by the Government of Morocco. You state that the Government of Morocco had obtained a variance from the Board of Zoning Adjustment, and this is the basis of your inquiry whether such a variance may be transferred. It appears, however, that the use of the building by the Moroccan Government was not pursuant to a grant of variance. A check with the District of Columbia Zoning Commission has revealed that Morocco's use of the building antedated the adoption of the zoning regulations now in effect, and consequently no variance from those regulations was ever needed.

"Thus the matter considered by the Board of Zoning Adjustment was not whether a variance could be transferred, but rather whether the use of the building by the Moroccan Government as a chancery was a nonconforming use which could be continued by another government. Those opposing the continuation of the nonconforming use argued that a chancery use of property is a personal nontransferable privilege based on comity between nations, and when located in a residential district must be construed strictly, since it is tantamount to a tolerated or condoned zoning abuse. The Board's decision was that although 'the usual nonconforming use authorized by the Zoning Act' is a right which runs with land, a nonconforming use by a foreign government is a nontransferable privilege.

"The degree to which land within the District of Columbia, including land owned by foreign governments and aliens, may be regulated in its ownership and use is a matter entirely within the discretion of the Congress which, subject to constitutional limitations, exercises over the District exclusive jurisdiction in all cases whatsoever. Constitution, article 1, section 8, clause 17. By the act of June 20, 1938, as amended, section 5–413 et seq., District of Columbia Code, Congress delegated to the District of Columbia Zoning Commission, and to the Board of Zoning Adjustment, certain powers to regulate land uses within the District. It would thus appear that questions as to the extent to which this power was delegated, and the propriety, in specific cases, of the exercise of this power, are matters primarily for the consideration of the Congress and the government of the District of Columbia.

"Nevertheless, we would point out the anomalous nature of the Board's decision, for while the Board concludes that 'the usual nonconforming use authorized by the Zoning Act' runs with the land, it further concludes that this is not so when the land is used by a foreign government. The Board's views on the usual nonconforming use appear correct. Further, a cursory review of the law on this subject indicates that property owned by alien friends is protected to the same extent as property owned by American citizens, *Yick Wo* v. *Hopkins*, 118 U.S. 356, 369 (1886), and presumably property owned by foreign governments is entitled at least to the same protection as property owned by foreign individuals. Since the right to continue a nonconforming use once established and not abandoned, is a vested right, *Eitnier* v. *Krietz Corp.*, 172 A. 2d 320 (Pa. 1961), it appears that the Board's decision might constitute a taking in violation of the fifth amendment.

The Department is fully in accord with the position of the Department of Justice that a foreign government is entitled to the same protection in respect of a nonconforming use as is a foreign national or a U.S. citizen.

Your second question is as follows:

"2. How does the Department regard a hypothetical case in which Government 'X' has occupied de facto a building for use as a chancery without having obtained a variance from the Board of Zoning Adjustment? To what extent does sovereign immunity protect that government from being forced to vacate the premises by local authorities, Federal authorities, and any law passed by Congress."

It is the Department of State's opinion that the protection adhering to the foreign government in such instances is characterized as diplomatic, rather than sovereign immunity. To the extent authorized by the real property laws of the District of Columbia, action could be taken against the realty to enforce a proper decision of the Board of Zoning Adjustment. However, placing a cloud upon the title is far different than regaining possession of the premises quachancery, or regulating the use of such diplomatic premises.

Under generally accepted tenets of international law, the premises of an embassy or chancery are inviolable. Further, the foreign ambassador or other diplomatic occupant is immune from service of process and the jurisdiction of the courts in such matters. Hence, either an action for eviction or other remedial action of an in personam nature could not successfully be prosecuted.

Finally, taking the Syrian Chancery matter again as an example, remedial action could lie against the private American citizen lessor but not, as indicated above, against the diplomatic tenant. The lessor similarly has no recourse against the diplomatic tenant to enforce any decision lying against him.

If I can be of further assistance to your subcommittee in this matter, please let me know.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

Mr. McINTYRE. Mr. President, Congress went very far toward express recognition of rights of continued use in the Zoning Act of 1938. This bill does not go as far, but I doubt that it needs to. The original policy of section 7 of the Zoning Act of 1938 continues unimpaired. I would indicate, as my personal opinion, that chanceries established prior to the May 12, 1958 zoning regulation may "continue to be used" by any other foreign government acquiring such premises or buildings by purchase, lease, or otherwise.

Mr. KUCHEL. I thank my able friend from New Hampshire for his excellent statement, based on his thorough examination of the problem involved in the question which I have raised. I agree with his reasoning, and I agree also with the statement he has made with respect to the intention of the legislation with respect to this particular case. I also thank my able friend from Nebraska for permitting this legislative history, bearing as it does on the intent of the legislation, to be spread on the RECORD before action is taken on the committee amendment.

Mr. CURTIS. Mr. President, I ask that my amendment be read.

Mr. KEATING. Mr. President, will the Senator from Nebraska yield to me briefly before the Senate considers the pending amendment?

Mr. CURTIS. I yield to the Senator from New York.

Mr. KEATING. I should like to address two or three questions to the Senator from New Hampshire.

Mr. McINTYRE. I shall be happy to have the Senator do so.

Mr. KEATING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KEATING. Is the question before the Senate on agreeing to the committee amendment which strikes out on page 2, line 6, the phrase "one family detached dwelling"?

The PRESIDING OFFICER. That is the pending question.

Mr. KEATING. I wish to address some questions to my friend from New Hampshire. In the testimony at page 3 of the hearings, Assistant Secretary of State Frederick G. Dutton advocated a proposed alternative. He suggested that "a survey should be made to determine in advance which parts of the above designated districts can still be regarded as suitable for the construction, purchase, or lease of chancery facilities. The results of this survey could then be incorporated into a revised set of zoning regulations, with the understanding that new areas could be declared unsuitable for chancery use as changing conditions warranted."

The bill, as originally introduced, referred only to one-family detached residence districts. Apparently it is the purpose of the committee that these words be stricken so that the bill would apply to all residential districts. Some of these border more closely on commercial uses than they do on one family detached dwelling residence districts. I wonder if the Senator could explain why the committee did not give more consideration to

the proposal of Assistant Secretary of State Dutton, which strikes me as a constructive way of approaching this subject.

Mr. McINTYRE. The Secretary in his letter indicated a preference for retaining this prohibition only with respect to R–1 A and B areas. The committee felt, after full consideration, that we should aim to prevent the establishment of the commercial aspect of these chanceries in all residential areas. The residential aspect, of course, involves traffic congestion, parking problems, and esthetic deterioration. The committee's feeling was that if it was perfectly all right to place a restriction on the single-family or detached dwelling areas, which are, after all, areas of low density, why should we then say, in the case of the high-rise apartment areas, which are also residential in character, with a higher density, that they must put up with this situation? I believe that was the main reason.

Mr. KEATING. Has it been the practice of chanceries to seek to locate in higher density areas? I thought they preferred the lower density areas

Mr. McINTYRE. The Senator is probably correct in his statement. Chanceries and embassies are looking for prestige areas. No doubt they prefer the R–1 districts to the R–2 and 3 and 4 districts. At the same time, the record shows that there are chanceries in the R–3 and R–4 areas.

Mr. KEATING. As I understand it, the bill does not affect embassies.

Mr. McINTYRE. The Senator is correct. They may go anywhere.

Mr. KEATING. Would an embassy with a chancery attached be affected by the bill?

Mr. McINTYRE. A chancery annex would be affected in the same manner that a chancery alone would be.

Mr. KEATING. Except for those that are now already so located. The newer nations require a great deal of money to establish a chancery. Some of the newer nations do not have the money. Was that point the subject of discussion in the committee, or was it discussed in the hearings—namely, whether there is any danger that the newer nations might feel that this proposal is in some way directed at them?

Mr. McINTYRE. I believe the answer to that question is that the committee felt we had to come to some conclusion. We considered the fact that there are four independent nations which are not yet represented in Washington. They are Algeria, Burundi, Uganda, and Tanganyika.

I read from the committee report:

> Kenya, Zanzibar, the Rhodesias, and Gambia are slated for indepedence. Dahomey has not been successful in finding a chancery, and some 10 nations are contemplating new chanceries.

I felt, first of all, that the bill was not discriminatory in any way insofar as chanceries are concerned. With respect to such countries we did not intend any discrimination. We felt we had to counterbalance the fact that the people resident in the District of Columbia are being inconvenienced continually by the Board of Zoning Adjustment through the granting of special exceptions for the construction of chanceries in residential areas. We had to balance the equities. I believe we have done the best we could. There is no intention in any way to discriminate against these young countries as they come to Washington.

Mr. McINTYRE. That is correct.

Mr. KEATING. One thing that has concerned me about the bill—and I wish my friend from New Hampshire would give me his frank opinion—is that at this time many of the newer nations seek to establish chanceries in Washington, but particularly African and Asian nations and, in some instances, Latin American nations. My question is whether they might have a feeling that the bill was directed at them rather than at the larger and richer countries, which can afford to locate their chancery in business sections.

Mr. KEATING. I am sure that that is not the intention of the committee, and specifically, not the intention of the Senator from New Hampshire. The bill does not in any way apply to embassies. They are free to locate anywhere. The location of chanceries is different. I am informed that some of the smaller countries do not have the funds with which to buy property in a commercially zoned area, or to rent in high-priced areas in a commercial zone.

I have one other question to ask of the Senator along the same line. The bill seems to prohibit the construction of additions to already established chanceries after the enactment date.

How is it intended that nations will provide for their necessary additional space, if they find they need more space? Does it mean that they will have to sell that property and move into a commercial zone?

Mr. McINTYRE. I am not certain that I understand the Senator's question. The bill would not affect the operation of any chancery or chancery annex that was in existence on the date of the enactment of the law. There appear to be various classifications of chanceries. We do not want to go into that subject too deeply, unless we have to do so. First, there is the kind that was referred to in my discussion with the distinguished Senator from California [Mr. KUCHEL]. That is a nonconforming use or type, with which I have some familiarity.

There is another group of chanceries that have come into being, upon being granted a special exception by the Board of Zoning Adjustment, since March 1958. Those chanceries can continue in operation.

The question raised by the Senator from California was whether the use could be transferred to another country. In the case of a group of chanceries which had been granted special exceptions, would their rights fall by the wayside when they were abandoned, or when the use of the buildings for chancery operations was given up?

Mr. KEATING. My question was really directed toward something else. At the top of page 2 of the bill, we read:

> After the date of enactment of this subsection, no foreign government shall be permitted to construct * * *.

That is perfectly clear. Then the language reads:

> Alter, repair, convert, or occupy any building for use as a chancery * * *.

And so forth.

Suppose a chancery finds it needs additional space to take care of additional duties? I realize that under the latter provision of the bill, if a roof leaked, the roof could be repaired without any question. But that would not involve an alteration or a major repair. My question is, What would such a foreign government now located in one of the residential districts do? Would it have to move out and give up the building?

Mr. McINTYRE. If the classification were a nonconforming use, the nonconforming use standard, as we understand, looks forward to an eventual closing off or dropping off of the particular use that is nonconforming.

Chanceries in existence would be allowed to maintain their property and keep it in repair; but any enlargements or attempts to build annexes—and we can think of chancery annexes as additional buildings—would run afoul of the zoning law by virtue of being extensions of nonconforming uses.

Mr. KEATING. I thank the Senator from New Hampshire for his frank answer. It seems to me to raise serious problems for some of the presently legally located chanceries, which, as I view his answer, would be required to give up their locations and move into commercial zones and purchase new property for a chancery, if they needed more room than they now have.

The bill troubles me greatly. I know the committee has given it careful consideration. I understand it was unanimously reported by the committee. Nevertheless, I have strong reservations about it. I am afraid that it will not enhance our position with some of the newer nations. I fear they will view the action, whether rightly or wrongly, as an effort to make it more difficult to open a chancery in Washington.

In the course of the hearings, did the Senator's committee receive any evidence as to the procedure that is followed in other countries? I am informed—perhaps erroneously—that in other nations, our Government can establish a chancery anywhere it wishes; that foreign countries do not have restrictions upon the locations of chanceries. I may be in error. Can the Senator enlighten me? The reason for my question is the fear that, if we enact the proposed legislation, it might result in some restrictions being imposed by other countries with regard to the location of U.S. chanceries in those countries.

Mr. McINTYRE. The committee looked into the restrictions on the locations of U.S. chanceries in other nations of the world. That information appears on pages 31 through 33 of the hearing record. One of our intentions in being nondiscriminatory and in keeping the effective date as of the date of the enactment of the law was so as not to discriminate in any way with respect to any

pending chancery situations that were in process in the District of Columbia.

Mr. KEATING. Would they not be covered by the bill? In other words, if chanceries have not actually been established, would they not be covered by the proposed legislation?

Mr. McINTYRE. That raises a legal point as to what will be the status of any particular petition that may exist on the part of Kuwait or the U.S.S.R. for example, when the law becomes effective. The best legal opinion we could get indicates that if the petitions had not been perfected—by that I mean if appeals not been decided and the country had not been issued appropriate building permits—the passage of the law would void any such opportunity.

Mr. KEATING. In other words, if they merely had an application pending before the Zoning Board at this time, they would be covered by the legislation?

Mr. McINTYRE. If the law were passed?

Mr. KEATING. Passed and signed.

Mr. McINTYRE. What was the stage of the application?

Mr. KEATING. If they had passed the Zoning Board and were ready to ask for a permit, is it the Senator's view that they would not be covered?

Mr. McINTYRE. If they had building permits, and the bill was still pending, the construction would commence. But if they did not have a permit and the law were passed, the best legal opinion we could procure is that when they asked for such permit, the building inspector or the licensing officer of the District of Columbia would be without authority to grant it to them.

To get back to the original question, we have found that foreign countries, in general, are quite generous with us in affording us the opportunity to locate our chanceries.

Mr. KEATING. That had been my understanding. Does the bill have the approval of the State Department?

Mr. McINTYRE. Let me check that further.

Mr. KEATING. I would appreciate it if the Senator would do so.

Mr. McINTYRE. At pages 3 and 4 of the record, the Department of State indicated the existing difficulty with respect to chanceries and the applications before the Board of Zoning Adjustment. They approved the purpose of the bill, but they did not give us complete approval of the manner in which the bill has been drafted. There were other methods that the Department would have preferred.

Mr. KEATING. I thank the Senator from New Hampshire for his frank statement. My informal opinion was that the Department of State did not favor enactment of the bill in its present form; but I may be mistaken about that.

Mr. FULBRIGHT. Mr. President, will the Senator from Nebraska yield?

The PRESIDING OFFICER (Mr. INOUYE in the chair). Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. CURTIS. I yield.

Mr. FULBRIGHT. If I may respond partially—not that the Senator from New Hampshire has not already responded—the Department did object to the all-inclusiveness of the provision used. It proposed the use of the term "detached single dwelling." But the committee, in its wisdom—and perhaps it is correct; certainly I agree in principle—adopted the all-inclusive provision, so as to make it comply with the same rights a citizen would have; and I think it a good principle.

Of course we can imagine cases involving a "gray" area—for example, a case in which a very small country, represented by a very small staff, wished to have certain basement rooms converted to business use. There are such cases—for example, in Japan, where the size of a business office in a residential area is strictly limited; and there are similar situations.

However, I think the bill will have a good result. The State Department favors such a bill, although not this particular one.

Mr. KEATING. Before the Senator intervened, I was referring to the testimony of Assistant Secretary of State Dutton. It seems to me that the approach he recommended was somewhat sounder than the proposed legislation now before us. However, the Senator from New Hampshire responded to that comment, and I appreciate his response to all of my questions.

Mr. McINTYRE. I should like the Senator to know that the other method, proposed by the State Department, fell on rather barren ground, so far as the committee was concerned, because—as indicated by members of the committee who have been in Washington longer than I have—there has been ample time to deal with this problem in the District of Columbia. It is our feeling that this is the fair way to deal with it.

Mr. CURTIS. Mr. President, at this time I ask for action on the committee amendment, provided it is understood that I shall not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I ask that my amendment be stated.

The PRESIDING OFFICER (Mr. BIBLE in the chair). The amendment of the Senator from Nebraska will be stated.

The LEGISLATIVE CLERK. On page 2, in line 13, it is proposed to strike out "the date of enactment of this subsection" and to insert in lieu thereof "January 31, 1963."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. CURTIS. Mr. President, I ask unanimous consent that at this time I may suggest the absence of a quorum, with the understanding that in doing so, I shall not lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 117 Leg.]

Allott	Hickenlooper	Monroney
Anderson	Hill	Morse
Beall	Holland	Nelson
Bennett	Humphrey	Neuberger
Bible	Inouye	Pell
Byrd, Va.	Javits	Saltonstall
Clark	Jordan, Idaho	Smathers
Cotton	Keating	Sparkman
Curtis	Kuchel	Thurmond
Fulbright	Mansfield	Williams, Del.
Hart	McIntyre	

Mr. HUMPHREY. I announce that the Senator from Illinois [Mr. DOUGLAS], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. McCARTHY], the Senator from Utah [Mr. MOSS], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Mississippi [Mr. STENNIS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from New Jersey [Mr. CASE], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Colorado [Mr. DOMINICK] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent on official business to attend the funeral of Hon. Hjalmar Nygaard.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. AIKEN, Mr. BARTLETT, Mr. BAYH, Mr. BOGGS, Mr. BREWSTER, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CHURCH, Mr. COOPER, Mr. DIRKSEN, Mr. DODD, Mr. EASTLAND, Mr. ELLENDER, Mr. ENGLE, Mr. ERVIN, Mr. FONG, Mr. GOLDWATER, Mr. GORE, Mr. HARTKE, Mr. HRUSKA, Mr. JACKSON, Mr. JOHNSTON, Mr. JORDAN of North Carolina, Mr. KEFAUVER, Mr. KENNEDY, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. McCLELLAN, Mr. McGEE, Mr. McGOVERN, Mr. McNAMARA, Mr. MECHEM, Mr. METCALF, Mr. MILLER, Mr. MORTON, Mr. MUNDT, Mr. MUSKIE, Mr. PASTORE, Mr. PEARSON, Mr. PROXMIRE, Mr. RANDOLPH, Mr. ROBERTSON, Mr. RUSSELL, Mr. SCOTT, Mr. SIMPSON, Mrs. SMITH, Mr. SYMINGTON, Mr. TALMADGE, Mr. TOWER, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio, entered the Chamber and answered to their names.

The PRESIDING OFFICER. A quorum is present.

Mr. CURTIS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. MANSFIELD. May I ask, for the benefit of the Senate, how long the Senator intends to speak?

Mr. CURTIS. I hope to finish in 5 or 10 minutes.

Mr. MANSFIELD. Very well. It is my intention to move to table the amendment. I think the Senator is entitled to make his statement. As he recognizes, since he yielded to me I could have made the motion to table.

Mr. CURTIS. Mr. President, if my amendment is to be tabled without debate, it is entirely possible that I may wish to offer another amendment.

Mr. MANSFIELD. That is perfectly all right. This question has already been debated.

Mr. CURTIS. On the Senate floor?

Mr. MANSFIELD. On the Senate floor this afternoon. I was present and heard the Senator from Nebraska and the Senator from New Hampshire debate on this subject.

Mr. CURTIS. I offered an amendment. I have yielded to various Senators, to accommodate them, and have not yet said anything on my amendment.

Mr. MANSFIELD. The Senator is correct, but the amendment has been debated at least by the Senator from Nebraska and the Senator from New Hampshire.

Mr. CURTIS. I have not debated it.

Mr. MANSFIELD. The Senator has mentioned it.

Mr. CURTIS. Mr. President, it is a privilege to speak before an audience with open minds, anxious and willing that the course of this Republic be charted according to the best available information and that the rights and prerogatives of all of our citizens and that the arguments and suggestions of all of our Members be given equal and just consideration. I am overwhelmed by that opportunity today.

This amendment may be tabled. The issue is quite clear. The objectives of the bill are fine. They are in the best interests of this country. The objectives of the measure would prevent hardship. They would prevent discrimination between countries in the application of the provisions of the law. They would establish a rule of law for the location of chanceries.

I commend the committee for the language it has put into the report. In reference to the hearings, the committee states:

> The committee concluded that (1) chanceries are business establishments; (2) their inclusion in residential neighborhoods creates traffic congestion, parking problems, and esthetic deterioration; (3) there is a need for a definite legislative policy with respect to the location of chanceries which will not discriminate against any foreign government nor against the residents of any particular area in the city;

Mr. President, that is noble language. I wish I could offer an amendment, to be voted on its merits, to achieve this objective.

> (4) such a policy can best be achieved by prohibiting future construction, enlargement, alteration, or occupancy of chanceries in all residential neighborhoods.

The report goes on to cite that since 1957, or thereabouts, the procedure which has been followed is that the chanceries have been prohibited, but the Board of Zoning Adjustment can grant exceptions, and the decisions of the Board of Zoning Adjustment are not subject to review by the Commissioners.

I ask Senators to refer to page 2 of S. 646, lines 1 to 10, where it is stated very fairly and firmly:

> After the date of enactment of this subsection, no foreign government shall be permitted to construct, alter, repair, convert, or occupy any building for use as a chancery, chancery annex, or other business office of such foreign government on any land, regardless of the date of acquisition thereof, within a residence district.

But there is a saving clause to protect those nations which already have chanceries in residence districts. That saving language begins in the middle of line 10. I invite attention to it:

> Nothing in this subsection shall prohibit the continued use as a chancery, chancery annex, or other business office of any building lawfully being used for that purpose on the date of enactment of this subsection, or to prohibit the making of ordinary repairs to any such building.

What does that language mean? If it should take a month to enact the bill, all a foreign country would have to do would be to get in before the month expired. The usual practice, when bills are considered in one House, is to have consideration completed in the other. Then a conference is held. Then the bill is sent to the President for signature. It may become law in the next session.

All one has to do to make ineffective the desire to render fair treatment to everyone is, between now and the time the bill is signed into law, to move into the premises and start using it as a chancery.

Unless my amendment is agreed to, it is possible for that result to be accomplished.

Usually delays are encountered in the enactment of a bill into law, when the schedule is heavy in both Houses. During that time, all that would be needed would be some State Department pressure on the Board of Zoning Adjustment, to hurry up and grant a request to build a chancery in a residence section. They could get started. They could occupy the building. The bill later would go into effect, but they could remain there. They could remodel and repair the building. They would be there all the time.

So, instead of this measure treating all sections of the city alike, it does not. It carries a loophole so that, if they want to come in between now and the time the bill is enacted, they can come in. Instead of treating all countries alike, it means the loophole can be used by the powerful, the influential, those who can intimidate us; and there are some countries in the world, and I can think of at least one, that make some Americans quiver every time they make demands. That country likes us to quiver. But all that country, or any other country, has to do is to take advantage of the time that will be required in order to enact the proposal into law, and it gets all the advantages of the saving clause relating to a foreign government that has a chancery in a residential district or has used it for years. This provision is not an accident. It was put in the bill as an intended loophole, so that the bill will not treat all countries alike. It is a loophole in the bill, so that all areas of the Nation's Capital will not be treated alike.

What is the answer? Instead of protecting those that happen to be "in" on the date of enactment of this bill, I use the date the bill was introduced, January 31, 1963. There is precedent for such procedure. Many times Congress has enacted tax legislation that has become effective either on the date the President has sent a message to Congress or on the date the bill was introduced in the other body. It is generally accepted that that is notice of the intention of Congress to so proceed.

The amendment is a simple one. The Congress is going to embark on a procedure of prohibiting foreign chanceries in residential areas and treat everybody alike. It would plug the loophole so that the powerful and influential could not come in and proceed to establish a chancery before the bill was enacted.

If this loophole prevails, we do not know what it will be used for. We do not know whether the State Department will select some little country that is struggling along, that wants a chancery and wants a durable place to have it, and say to it, "If you will hurry up or if you will vote right with us in the United Nations, we will tell the Board of Zoning Adjustment to grant your request immediately. Move in and you have the benefit of the saving clause." The reason the motion will be made to table the amendment is to keep that loophole open.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. MANSFIELD. I found very interesting the argument of the Senator from Nebraska. He says there is one country which makes us quiver. As an American, I do not know of any country that makes me quiver or makes our country quiver.

The Senator has also said that the bill is not an accident. He is correct: the bill is not an accident. It was considered in the previous Congress. It has been and is being considered in this Congress. It was reported to the Senate unanimously by the District of Columbia Committee, as a result of the good, reasonable, deliberate consideration by the members of both parties who serve on that committee.

If the Senator wishes to go back to the date of introduction—and it is unusual, despite the precedent he cites in tax measures—to make this measure effective, there are a number of countries which would be, in effect, deprived of the opportunity to build chanceries, based on applications which have been approved by the District of Columbia Board of Zoning Adjustment, and not forced on that Board by the Department of State, as follows: Three independent nations are not yet represented in

Washington; namely, Burundi, Uganda, and Tanganyika. In addition, Kenya, the Rhodesias, and Gambia are slated for independence. Dahomey has not been successful in finding a chancery, and approximately 10 nations are contemplating new chanceries. They are Congo-Brazzaville, Congo-Léopoldville, Nigeria, Sudan, U.S.S.R., Kuwait, Spain, Saudi Arabia, Sweden, and Australia.

If Senators will read the report and study the bill, they will find that it was unanimously reported, is meritorious, and is not being forced on us by the State Department, but is the result of well deliberated considerations and debates on the part of the Senate Committee on the District of Columbia.

Mr. CURTIS. Let me say to the distinguished majority leader that if the Senator from Nebraska stated that this bill was no accident, but was deliberately planned he misspoke. What I intended to say was that this loophole is not an accident. It was not put in the bill because it was a difficult question to deal with and to find the right language. I say that there is a loophole to allow a particular country to escape from the application of the bill; and it is well known in this body that that is true.

Mr. MANSFIELD. Will the Senator yield again?

Mr. CURTIS. I yield.

Mr. MANSFIELD. That loophole, so-called, is something I cannot see through. It reads as follows:

> Nothing in this subsection shall prohibit the continued use as a chancery, chancery annex, or other business office of any building lawfully being used for that purpose on the date of enactment of this subsection, or to prohibit the making of ordinary repairs to any such building. This subsection shall not be administered in such a way as to discriminate against any foreign government on the basis of race, color, or creed of any of its citizens.

I see no loopholes there. It appears to me that it gives an opportunity to all who have chanceries, or who will have them on the date of the enactment of the measure, to continue to occupy and to repair such chanceries. It appears to me it does not discriminate against any foreign government on the basis of race, color, or creed. It sounds like good American doctrine.

Mr. CURTIS. The key words are "on the date of enactment." When will the bill be enacted? If anybody can tell me, I should like to know when Congress is to adjourn this year. I wish someone would tell me whether Congress is to take a Thanksgiving recess; also when the appropriation bills are to be enacted.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. MANSFIELD. There will be no Thanksgiving recess. So far as the day of adjournment is concerned, that is something for the Congress as a whole to decide. I do not know when the bill will be enacted.

Mr. CURTIS. The loophole exists in some undefined way—some time in the future. When they have decided they have come in under the loophole, they can line up the bill and send it to the President.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. CURTIS. In just a moment.

The purpose of the language is not to disturb anybody who is already established with a chancery in a residential section. It pretends to take care of those already there, so they do not have to move. But the provision is so written that any country can come in between now and the time the President signs the bill, and establish a chancery in a residential area; and that language protects them.

My amendment would strike out the key words "on the date of enactment of this subsection," and insert the words "January 31, 1963."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. MANSFIELD. Would the Senator have any objection to Spain, Sweden and Australia being considered on that basis?

Mr. CURTIS. No; I have no objection to any particular country, but I want them all treated alike. I want to follow a rule of law. If we are to enact legislation which provides that residential areas shall not be used for chanceries, I do not want anyone to be invested with authority to reward or punish or offend any country, regardless of which one it is. This is a bad precedent.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. CURTIS. I yield briefly.

Mr. MILLER. I invite the Senator's attention to the following language in the committee report:

> In 1957, at the request of the District of Columbia Government, 21 foreign countries indicated their intention to construct or enlarge chanceries on 27 separate properties. Work has been completed on four of these and is in progress on one other.

Can the Senator tell us which one is in progress? Which country has a chancery which is in process of being constructed?

Mr. CURTIS. I do not know.

Mr. MILLER. Does the Senator mind my asking the Senator from New Hampshire, who is in charge of the bill?

Mr. CURTIS. I yield for that purpose.

Mr. McINTYRE. To what page of the committee report did the Senator refer?

Mr. MILLER. I was referring to the middle of page 2 of the committee report. Which country is it which has a chancery that is now in process of being constructed?

Mr. McINTYRE. The chancery referred to is the chancery of West Germany.

Mr. MILLER. In the report it is stated that construction is in progress on only one other chancery.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. MANSFIELD. It happens that in the neighborhood in which I live there is one chancery in process of being constructed. That is the chancery of the Federal Republic of West Germany.

Mr. MILLER. I thank the Senator. My question is this: If the amendment of the Senator from Nebraska is adopted, will the Republic of West Germany be able to occupy its chancery?

Mr. CURTIS. I do not know the state of the construction, or whether a part of the chancery has been occupied. However, following that line of reasoning, if the bill is passed by the Senate today and passed by the House tomorrow and signed by the President, without an amendment we would have the same situation. However, that is an entirely different problem. I suggest that my amendment would take care of it.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. MANSFIELD. This is no problem, because to the best of my knowledge this chancery has been under construction since before the date of the introduction of the now pending measure. Therefore it would not be affected.

Mr. MILLER. If that is so, as I read the bill, the chancery would not be included, because the bill provides:

> Nothing in this subsection shall prohibit the continued use as a chancery.

If this chancery is only in the process of being constructed, it is not being used as a chancery.

Mr. MANSFIELD. The Senator knows that that would not be the case. We would not want to show such a discourtesy to another country. I point out that how these countries are treated may determine how other countries will treat our representatives who are accredited to those countries. So far as the chancery of the West German Republic is concerned, that chancery would not be, in my opinion, considered in the sense that the Senator states, so far as the legislation before us is concerned.

Mr. MILLER. I want to have the Republic of West Germany accorded all the courtesies possible.

Mr. MANSFIELD. I would like to see the same courtesies extended to Spain, Sweden, and Australia.

Mr. MILLER. The specific language in the bill reads:

> Nothing in this subsection shall prohibit the continued use as a chancery.

It is not being used as a chancery if it is in process of construction.

Mr. MANSFIELD. Of course, it may not be used physically, but it is considered to be physically a chancery. A permit has been granted, and notice has been given. I suppose that preparations have been made to move furniture and other articles from the old chancery to the new one. It is a matter of courtesy, I am sure; and I know that the Senator from Iowa recognizes that fact.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. MILLER. The Senator made reference to an application having been filed.

Mr. MANSFIELD. Yes.

Mr. MILLER. Does he consider the mere filing of an application which has been approved by the Board of Zoning Adjustment to be in the same category

as a chancery that is actually in being, or in process of construction?

Mr. MANSFIELD. Although I am not a member of the committee, it is my understanding that if an application has been filed and approved, and it has been done prior to the date of the enactment of the bill before us, the answer is yes.

Mr. MILLER. Mr. President, will the Senator yield for a comment?

Mr. CURTIS. This is something new. Where is there any language in the bill which suggests that if an application has been filed and approved, and no property has been purchased, and no building constructed, and the premises are not being used, the provisions of the bill would apply?

Mr. MANSFIELD. The Senator twists this matter out of all proportion. If an application is filed and approved, it would be assumed that the applicant country has acquired an interest in the property which the United States fully intends to protect.

Mr. McINTYRE. The majority leader is absolutely correct. The bill would honor any application that was made.

Mr. CURTIS. That was made?

Mr. MANSFIELD. And approved.

Mr. McINTYRE. Made and approved.

Mr. CURTIS. Approved by whom?

Mr. MANSFIELD. By the Board of Zoning Adjustment.

Mr. McINTYRE. By the Board of Zoning Adjustment and by the Department of Licenses and Inspections. The bill has been carefully drawn so as not to affect any vested legal right. The Senator from Iowa, a brother attorney, knows that we do not intend either to add to or subtract from any vested right of any foreign nation which is in process of having a building under construction. If the chancery of West Germany is well under construction, there is no doubt that it will have the right to occupy it.

Mr. MANSFIELD. The subsection also states:

> This subsection shall not be administered in such a way as to discriminate against any foreign government on the basis of race, color, or creed, of any of its citizens.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. McINTYRE. I do not know whether I have the right to yield.

Mr. CURTIS. The picture becomes quite clear. The bill was introduced in the previous Congress. The committee held hearings on it on the very day that it was intended to report the bill. How does it happen that on that very day within 24 hours the Board of Zoning Adjustment granted an exception to a country to build a chancery in a residential area? The bill is designed to protect that exemption and to give it, in effect, a grandfather clause.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CURTIS. It receives the same protection as a country which has a chancery and has moved into it and used it for a year or two. No one is being fooled. The purpose of this loophole is to take care of that situation.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. MANSFIELD. Unfortunately I am not a lawyer, and I cannot follow the Senator's reasoning. However, I assume that the Senator is not referring to the application of Spain, is he?

Mr. CURTIS. No; I am not.

Mr. MANSFIELD. Australia?

Mr. CURTIS. No; I am not. If the Senator wishes to know what country I am referring to, he should read the letter that is being circulated about the Chamber. It is a letter from the State Department arguing against my amendment. If he will look at the letter he will learn the country to which I am referring.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. MANSFIELD. I have not seen such a letter; nor would I be influenced by such a letter. I am being influenced by the fact that, by unanimous vote, both Republican and Democratic Senators on the Committee on the District of Columbia voted to report the bill to the Senate and gave it their full approval. I am very much interested in seeing to it that foreign countries whose representatives come here are given full consideration regardless of the race, color, or creed of its citizens. I am also very much interested in the welfare of Spain, Australia, and Sweden.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. CURTIS. I share the Senator's high opinion of these countries. I have nothing against the people of any land. But I believe that equality before the law is a noteworthy American principle, even though it is sometimes disregarded.

Mr. President, I think the issue is quite clear. I believe Senators understand what they will be voting upon. I hope the majority leader will accept the amendment. I hope that it will not be tabled.

I yield the floor.

Mr. MANSFIELD. Mr. President, I move to table the amendment offered by the Senator from Nebraska.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

Mr. CURTIS. Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] to table the amendment of the Senator from Nebraska [Mr. CURTIS]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Illinois [Mr. DOUGLAS], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. McCARTHY], the Senator from Utah [Mr. Moss], the Senator from Connecticut [Mr. RIBICOFF], the Senator from Mississippi [Mr. STENNIS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Alaska [Mr. GRUENING], the Senator from Arizona [Mr. HAYDEN], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Minnesota [Mr. McCARTHY], the Senator from Utah [Mr. Moss], the Senator from Connecticut [Mr. RIBICOFF], and the Senator from Texas [Mr. YARBOROUGH] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from New Jersey [Mr. Case], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Colorado [Mr. DOMINICK] is absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent on official business to attend the funeral of Hon. Hjalmar Nygaard.

The Senator from Kentucky [Mr. COOPER] is detained on official business.

On this vote, the Senator from Vermont [Mr. PROUTY] is paired with the Senator from Colorado [Mr. DOMINICK]. If present and voting, the Senator from Vermont would vote "yea" and the Senator from Colorado would vote "nay."

Mr. MANSFIELD. Mr. President, if I knew how the Senator from Kentucky [Mr. COOPER] planned to vote, I would be glad to give him a live pair. I do not know how he expected to vote, so I call for the regular order.

The result was announced—yeas 59, nays 23, as follows:

[No. 118 Leg.]

YEAS—59

Aiken	Humphrey	Morse
Anderson	Inouye	Morton
Bartlett	Jackson	Muskie
Bayh	Javits	Nelson
Beall	Johnston	Neuberger
Bible	Jordan, N.C.	Pastore
Boggs	Keating	Pearson
Brewster	Kefauver	Pell
Burdick	Kennedy	Proxmire
Byrd, Va.	Kuchel	Randolph
Byrd, W. Va.	Lausche	Robertson
Cannon	Long, Mo.	Saltonstall
Church	Mansfield	Smathers
Clark	McClellan	Smith
Eastland	McGee	Sparkman
Ellender	McGovern	Symington
Engle	McIntyre	Talmadge
Hart	McNamara	Williams, N.J.
Hartke	Metcalf	Young, Ohio
Hill	Monroney	

NAYS—23

Allott	Goldwater	Mundt
Bennett	Gore	Russell
Cotton	Hickenlooper	Scott
Curtis	Holland	Simpson
Dirksen	Hruska	Thurmond
Dodd	Jordan, Idaho	Tower
Ervin	Mechem	Williams, Del.
Fong	Miller	

NOT VOTING—18

Carlson	Fulbright	Moss
Case	Gruening	Prouty
Cooper	Hayden	Ribicoff
Dominick	Long, La.	Stennis
Douglas	Magnuson	Yarborough
Edmondson	McCarthy	Young, N. Dak.

So the motion to table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 2513) to amend the Tariff Act of 1930 to require certain new packages of imported articles to be marked to indicate the country of origin, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. KING of California, Mr. O'BRIEN of Illinois, Mr. BYRNES of Wisconsin, and Mr. BAKER were appointed managers on the part of the House at the conference.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, while a good many Senators are in the Chamber, I should like to ask the majority leader about the prospects of a session tomorrow and what the calendar of work may be.

Mr. MANSFIELD. Mr. President, if the distinguished minority leader would give me a little time, I could answer more accurately; but, as of now, I would say that at the conclusion of action on the pending business, it is the intention of the leadership—and we have previously discussed this question, I say to Senators—to lay before the Senate Calendar No. 338, House bill 6016, authorizing additional appropriations for prosecution of projects in certain river basin plans for flood control, navigation, and for other purposes. Whether the Senate will be in session tomorrow has not yet been determined; it would depend, I assume, on the possibility of events which may occur later today.

I shall be very happy to work most closely, as always, with the distinguished minority leader, to arrive at a judgment, and inform the Senate a little later in the afternoon as to the plans of the leadership.

Mr. DIRKSEN. Mr. President, in view of the discussion on the Senate floor at the opening of the session, I think the majority leader will be within the bounds of propriety—and I believe he should feel entirely free to do so—if he acquaints the membership with the problem which arose in connection with the possibility that a certain joint resolution might be introduced today. I would encourage him to give the Senate a little information on that matter, because it pertains to the railroad legislation.

Mr. MANSFIELD. Mr. President, earlier today the distinguished minority leader and I had a discussion about a joint resolution proposed to be introduced today. We decided that in view of possible developments, we should wait at least until tomorrow; and it was my latest impression—although I stand subject to correction—that that was where we left our discussion at that time.

Mr. DIRKSEN. Earlier today there was discussion, particularly on the part of the distinguished Senator from New York [Mr. JAVITS], to the effect that he, together with other Senators, was prepared to introduce such a joint resolution today, if necessary, because of the deadline involved in the railroad legislation. Therefore, time is a factor; and I know it was the hope of the majority leader that the Senate could adjourn from today until at least Friday, and then over the weekend.

There is some information that I believe the committee might elicit this afternoon which would give the question a slightly different turn and determine whether or not the Senate should meet tomorrow.

Mr. MANSFIELD. Yes.

Mr. DIRKSEN. If the Senate meets tomorrow, the area river basin bill will be the business of the Senate.

Mr. MANSFIELD. At least, the bill will be laid before the Senate.

ADDITIONAL AUTHORIZATION FOR CERTAIN RIVER BASIN PLANS

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MUNDT. Did I understand correctly the Senator to say that H.R. 6016 would be made as the pending business?

Mr. MANSFIELD. Yes. The calendar is so clean that at the moment it is the only bill which can be laid before the Senate.

Mr. MUNDT. In fairness to the majority leader, I think I should point out that the bill (H.R. 6016) contains one highly controversial feature which will require a considerable amount of time to discuss on the floor of the Senate unless it is modified. Here is one Senator who is going to employ every parliamentary procedure available to defeat this bill if its injustices are not amended out.

I call to the attention of Senators, both Democrats and Republicans, who represent any of the nine States in the Missouri River Basin that the final provision of the bill would have the effect of deauthorizing every project which was authorized under the Pick-Sloan plan, and which has been previously authorized by any other measure. Such a provision would be wholly unwise and totally unfair legislation. Senators from all the States in the Missouri River Basin should want to know exactly what is involved in the bill before they vote. As one Senator from a State in the Missouri River Basin, I expect to spend a considerable amount of time describing the totally unfair procedure, unless happily in the meantime an agreement can be reached with the committee which would eliminate the necessity of such discussion. I am preparing an amendment to knock out the objectionable provision and unless it is adopted I assure the Senate it is in for a very lengthy discussion—perhaps a "Southern style deliberation"—before H.R. 6016 can be acted upon.

Mr. MANSFIELD. Mr. President, the Senator from South Dakota makes a point of real significance when he says that the bill will be discussed at length. A number of Senators will wish to be heard on the last proviso.

Mr. MUNDT. Meanwhile I call to the attention of Senators representing States in the Missouri River Basin the language beginning on page 9, line 11, and ending on page 9, line 16. I do not know how that language crept into the bill, but it is there, and it ought to be eliminated before the remainder of the bill is accepted. It comprises a direct attack against the economic development of the nine Missouri River Basin States.

Mr. DIRKSEN. Mr. President, I have a happier solution. That would be to eliminate the bill tomorrow and be done with it. The bill represents a potential spending which would run into billions of dollars before we were through. I have not totaled the entire estimated amount for all the projects proposed, but some of them run up to $250 million or more. It would be a great idea to offer a motion to recommit the bill. It would break my heart to do so because my distinguished counterpart, the very distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], not for himself but for his State, has a project in the bill. Oddly enough, I have been called by the distinguished Governor of his State. I have been importuned, supplicated and entreated to oppose the Knowles Dam Project. So what does a hapless minority leader do in order to let everyone down gently? My remarks include, of course, Trotter Shoals, a project which would cost approximately $78 million. A motion to recommit would be a wonderful and expeditious way to dispose of this controversial measure by sending it back to the committee with the imprint "Requiescat in pace," meaning, "May it rest in peace."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. I have never accused the Senator from Illinois of bad judgment nor do I intend to now. On every occasion I have given the distinguished minority leader the benefit of the doubt just as he has done so to me. He has always been most fair and I have respect and affection for him. But in respect to the case about which he has spoken, the newspapers in Montana have reported, not that the Governor of Montana called the Senator from Illinois and asked for information and material, but rather that the Senator from Illinois called the Governor. The newspapers report that the Senator from Illinois would oppose the project, which is his right, and that he desired all the information he could get so that he could be in a better position to carry out the request, the order, or whatever it might be called, which had been made.

I feel fairly certain that my distinguished colleague, the minority leader, would not wish to see the entire bill recommitted. I would like to see the subject given careful and close consideration and a vote taken on the merits of the legislation and that I am sure will be done.

One of the questions which merits close and serious consideration is the point raised by my distinguished friend, the senior Senator from South Dakota

[Mr. MUNDT] as it affects the Missouri River basin. That question is entirely apart from the proposed Knowles Dam. The Missouri River basin is important to Montana. It covers two-thirds of our State. Knowles is in the Columbia River Basin in the western part of the State. That project also is important. So the Senator can see that the legislation relates as far as Montana is concerned, not merely to one particular project, but projects in two river basins—the two greatest river basins in the country.

Mr. DIRKSEN. Mr. President, I did not call the Governor of Montana. But what has been said shows what happens when one campaigns in the great State of Montana, including the cities of Billings, Miles City, and Helena. I have campaigned in that State from one end to the other. I have come to know a great many of the people out there. I came to know the Governor. So he is always free to call me.

I would never wish to see the coup de grace administered to a measure until there had been full discussion. Then, Mr. President, if I succeeded, I would weep. But I would hope that I would succeed, because weeping endureth for a night, but joy cometh in the morning.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MUNDT. Only as a last resort would I feel compelled to join the Senator from Illinois in an effort to recommit the entire bill. I assume that the committee has done good and diligent work in determining which projects to authorize. However, if we were to adopt the policy which the Senator from Illinois has presented, it might be a good plan to deauthorize all projects which have been authorized, because of their multimillion-dollar potential. That would be one course of action, which, of course, I would resist.

But it would at least have the merit of being fair and objective. If we are to perform that kind of act of decapitation on our natural resources potential, I shall resist as hard as I can having the ax fall only on the nine States of the Missouri River Basin. If we are to deauthorize projects, I see no reason why we should pick out the Missouri River Basin and say, "We are going to start with your projects and fight this conflict only with Missouri River blood." I think we should look at the development programs with complete objectivity from the standpoint of the national interest. Surely a bill which selects nine States and in effect states, "For your States all projects are hereinafter deauthorized," is one which should give every Senator from that area cause not only to give the question careful scrutiny, but to do something on the floor of the Senate to see that that kind of injustice is not perpetrated on the nine States individually and the whole area collectively.

Mr. DIRKSEN. Mr. President, my interest is far more universal than that of my friend from South Dakota. I am not merely interested in serving the States in the Missouri River Basin. I wish to serve all the States of the Union. What bothers me is the atomic hole that we continue to blow into the budget of this country when we are now up to $100 billion in our cash budget already. All we have to do is to look at the total for all of the projects, and then add to that total what will be required in future years. Senators will observe that we would add a ghastly commitment to the authorizations in the budget of the country. That point is of paramount interest, because I have felt that we ought to take some time to consider the budget of the country, the deficit of payments, and all the make-shift proposals that come day after day in order to keep this country solvent and moving in the proper direction.

THE RAILROAD RULES DISPUTE

Mr. JAVITS. Mr. President, while Senators are in the Chamber, I think they should realize what was discussed earlier today. The threat of a railroad strike continues. It continues as of midnight on Monday, unless something is done about it or unless the railroads decide to pull down their notice that they will put into effect the work rules, which is in effect a strike notice. I do not say that they are right or wrong in this situation at all. That would be most unfair.

We face a serious deadline. As I suggested earlier in the day, we can request a delay, on the part of the Congress, by concurrent resolution. We can state that we would appreciate it very much if the railroads would relieve the Congress of that particular deadline by allowing a reasonable period—say a maximum of 30 days—or we may have to act affirmatively to head off a strike, which we can do by passing section 5 of the bill which the President sent to the Congress, standing alone, which would impose a standstill.

I do not think we should assume for a minute that this is a light matter. Notwithstanding the President's message, notwithstanding the introduction of the joint resolution, and notwithstanding the reference of the joint resolution to committee, we face a railroad strike next Monday at midnight. We shall have to do something about it, unless we are taken off that difficult situation by action by the railroads themselves. I say, with all humility—though I think it is a pretty general opinion—that we should not be driven to act by Monday night.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. I have noted a press dispatch on the Associated Press ticker, which indicates that the railroads have deferred for 30 days the placing in effect of the amended rules. I interpreted that to mean an allowance of an additional 30 days to the Congress. I may be mistaken, but I noted a dispatch to that effect on the ticker. The Senator may be interested sufficiently to look at it.

Mr. JAVITS. I thank the Senator from Florida.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. SMATHERS. Mr. President, I do not believe that statement is accurate. I am sure it is correct, so far as the senior Senator from Florida stated it, but a moment ago I was talking with one of the representatives of the carriers, making the same point that the Senator from New York is now making—what a terrible thing it would be for the country if the parties went forward with their plans—and I was informed the carriers are to have a meeting tomorrow morning at 8 o'clock in order to determine exactly what they will do.

It was rather specifically stated by this man, at that particular time, that they have some doubt as to whether they will be able to accede to the wishes expressed by the chairman of the Committee on Interstate and Foreign Commerce of the other body and the able Senator from Rhode Island [Mr. PASTORE], that they defer for 30 days the imposition of their work rules.

Mr. JAVITS. I have inserted in the RECORD as a part of my remarks the form of a resolution which could be utilized—I would hope by the majority leader and minority leader—to effect that request on the part of the Congress. It bears upon the need to stay close to the scene of action at this moment.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HOLLAND. Mr. President, all I can say is——

Mr. GORE. A point of order, Mr. President. Senators are not in their seats, and other Senators cannot hear the proceedings.

Mr. MANSFIELD. Mr. President——

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GORE. Mr. President, a point of order. I insist that Senators speak from their seats.

The PRESIDING OFFICER. Does the Senator from Montana yield for the point of order?

Mr. MANSFIELD. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, there is no such rule of order, but I am glad to return to my seat.

The dispatch on the Associated Press ticker may or may not be as far reaching as I interpret it to be; but as I interpreted it, it stated there would be a 30-day delay in the enforcement of new work rules by the railroads. I hope that that is correct. I judge, from what my distinguished colleague [Mr. SMATHERS] has said, that there is at least a serious question as to whether that has been done. At any rate, the dispatch on the ticker must speak for itself.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, I ask Senators to bear with me so that the pending bill may be read the third time.

Mr. JAVITS. Mr. President, may we finish this colloquy? Will the Senator yield to me for 30 seconds?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Earlier today I said that I would submit the resolution before the Senate concluded its business today. I will not do so. I will, of course, cooperate with the leadership.

Mr. MANSFIELD. That is what I would expect the Senator to do.

LOCATION OF CHANCERIES OR OFFICES OF FOREIGN GOVERNMENTS IN CERTAIN RESIDENTIAL AREAS OF THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (S. 646) to prohibit the location of chanceries or other business offices of foreign governments in certain residential areas in the District of Columbia.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 646) was ordered to be engrossed for a third reading and was read the third time.

LEGISLATIVE PROGRAM

Mr. SYMINGTON. Mr. President, I should like to ask the majority leader what will be the business tomorrow, if any? Will the Senate meet tomorrow? Has that question been decided?

Mr. MANSFIELD. It has not been decided definitely. As of now, the prospect is that the Senate will meet tomorrow. I can only state that much definitely. The distinguished minority leader and I will get together later today to see what can be done. If there is a meeting tomorrow, it will be for the purpose of carrying out a certain procedure.

Mr. SYMINGTON. In other words, Senators cannot be sure what will be the pending business, if the Senate does meet?

Mr. MANSFIELD. We know what the business will be. It will be H.R. 6016, the so-called river basins bill. But no action will be taken on that bill tomorrow.

Mr. MORSE. Mr. President, I think now is the time to spend a minute or two discussing the problem before this body, because we might as well face it.

Mr. MANSFIELD. If the Senator will do so, I should like to defer that until the pending bill is passed.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Iowa briefly, and then I will yield to the Senator from Oregon for a longer time.

LOCATION OF CHANCERIES OR OFFICES OF FOREIGN GOVERNMENTS IN CERTAIN RESIDENTIAL AREAS OF THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (S. 646) to prohibit the location of chanceries or other business offices of foreign governments in certain residential areas in the District of Columbia.

Mr. MILLER. Mr. President, I do not propose to offer an amendment to the pending bill. I regret that the amendment offered by the distinguished Senator from Nebraska [Mr. CURTIS] was tabled. It is not that I necessarily agree with the amendment, but I think the Senator from Nebraska performed a service in bringing to the attention of the Senate a defect in the bill.

After the colloquy, I find that the language of the bill does not quite state what it was supposed to state. The bill before the Senate reads:

> Nothing in this subsection shall prohibit the continued use as a chancery, chancery annex, or other business office of any building lawfully being used for that purpose on the date of enactment of this subsection.

As a result of the colloquy, I find that actually the intention of the sponsors of the bill is that the bill should read:

> Nothing in this subsection shall prohibit the continued use as a chancery, lawfully being used for that purpose, or being constructed for that purpose, or for which an application for that purpose has been approved by the District of Columbia Board of Zoning Adjustment.

If that is indeed the intention of the bill, I think the least the committee could do would be to have language such as that written specifically into the bill.

I shall not offer an amendment on that subject. I leave it up to the Senator in charge of consideration of the bill to do what he wishes in that regard. I suggest that if the Senator who has charge of consideration of the bill really hopes to see the bill enacted he should get it in better shape as to language than it is now, because if he does not do so I doubt very much that the bill will be accepted on the other side of the Capitol. It will have to be sent back with language changes.

I have nothing further to say in that regard. I do not think that the mere fact that a committee reports a bill unanimously means that the bill is in perfect shape. The colloquy we have heard this afternoon indicates that it is a very poor job of drafting and is not in the tradition of the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. MANSFIELD. I disagree with what the Senator said about the bill being a poor job of drafting, and raising questions about the ability of the committee which handled this legislation.

We all know that serving on the Committee on the District of Columbia in this body is not the most desirable assignment for any Senator. Senators who serve on that committee do a good job in looking after the interests of the metropolitan area, which, in terms of votes and being returned to office, mean nothing whatever to them.

I am especially proud of any unanimous vote in that particular committee, because I know what it means to serve on that committee.

The Senator from Iowa has performed a service by his remarks, because they will be a part of the RECORD. They will be taken to conference. They will be studied by Members on the other side of the Capitol. I think the end result will be far more beneficial than would have been the case had the Senator remained silent.

Mr. MILLER. I thank the Senator from Montana.

As a former member of the Committee on the District of Columbia, I recognize the truth of what the Senator from Montana said about service on the District of Columbia Committee.

I repeat what I said the other day on this floor in connection with consideration of another bill. If Senators do not have it within themselves to pay attention to legislation affecting the District of Columbia, to whom can the people of the District of Columbia look? I think it behooves every one of us to try to do the best possible job of legislating. When we detect a defect in a bill, it behooves the Senator in charge of consideration of the bill and the committee itself to recognize the fact that we are trying to help to do the best job possible.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. McINTYRE. I thank the distinguished legal authority from Iowa. The point he has made is well taken. We will be happy to try to settle that question in conference.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MANSFIELD. Mr. President, I yield to the Senator from Florida.

THE RAILROAD RULES DISPUTE

Mr. HOLLAND. Mr. President, a few minutes ago, in a colloquy with the distinguished senior Senator from New York [Mr. JAVITS], I commented that I had noted on the ticker tape of the Associated Press a dispatch indicating that the railroads had delayed or agreed to delay posting new work rules for 30 days.

I have that dispatch. I do not vouch for its authenticity, because I have no other means of knowing whether it is authentic or not, but I should like to include it in the RECORD. It reads as follows:

> NEW YORK.—The Columbia Broadcasting System reported today that the Nation's railroads have decided to delay posting new work rules for 30 days, thus averting a threatened strike Tuesday.
>
> On the CBS radio network, News Correspondent Robert Pierpoint said White House sources had disclosed that the railroads had agreed to hold the new rules in abeyance for another month.
>
> Previously the railroads had said the revised work rules would go into effect at a minute after midnight next Tuesday. Five rail unions have threatened to walk out once the rules are applied.

That ends the dispatch. I wished to place it in the RECORD to illuminate the statement I made some time ago.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, it is my understanding that one member of the committee wishes to be heard on the pending bill before passage. Unfortunately, he has been called out of the Chamber on a matter of importance and will not return for a minute or so.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Alabama.

Mr. SPARKMAN. I can take the minute or so, if the Senator will yield to me in order to introduce a bill.

Mr. MANSFIELD. I yield for that purpose.

(Mr. SPARKMAN introduced a bill to amend the Clayton Act, the statement on which appears elsewhere in the RECORD.)

LOCATION OF CHANCERIES OR OFFICES OF FOREIGN GOVERNMENTS IN CERTAIN RESIDENTIAL AREAS OF THE DISTRICT OF COLUMBIA

The Senate resumed the consideration of the bill (S. 646) to prohibit the location of chanceries or other business offices of foreign governments in certain residential areas in the District of Columbia.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. CHURCH. Mr. President, since this bill is to be passed on a voice vote, I feel constrained to state, in a few words, my reason for opposing it. I note that the bill was unanimously reported by the committee. I note that Senators who managed the bill on the floor have correctly stated that the objective of the bill is only to regularize our municipal life by prohibiting the establishment of new chanceries in residential districts, and, that it has nothing whatever to do with anything that could bear upon discriminatory practices. But inasmuch as the bill would change regulations that have heretofore obtained, and inasmuch as numbers of chanceries have been established in certain residential areas, pursuant to these regulations, the practical effect of the bill will be to exclude new countries which are seeking chanceries, most of which happen to be African countries. It is for this reason, I understand, that the State Department does not support the bill.

I know of the great sensitivity of these new African countries, and the importance in Washington of conducting our affairs in such a way as not to give the impression, however erroneously founded, that we are engaging in practices that have the effect of discriminating against Negro countries. I personally feel that the bill is not in our best national interest, and that the municipal advantages to be served by the bill do not balance the losses that may be suffered by reason of the interpretation that I fear will be given to it. So weighing the national interest against that of the municipality, I wish to be recorded against the bill.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. CHURCH. The Senator may have the floor in his own right.

Mr. KEATING. I wish only to say that I agree with the distinguished Senator, for the very reasons which he has stated. While I realize that there is no intention on the part of members of the committee or others to discriminate, I feel that the passage of the bill at this very time may be construed, unfortunately, by some of the smaller countries as discriminatory.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 646) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938, as amended, is amended by inserting "(a)" after the section number in section 6 and by adding at the end of such section the following new subsection:

"(b) After the date of enactment of this subsection, no foreign government shall be permitted to construct, alter, repair, convert, or occupy any building for use as a chancery, chancery annex, or other business office of such foreign government on any land, regardless of the date of acquisition thereof, within a residence district established pursuant to this Act, except on the same basis as in the case of the construction, alteration, repair, conversion, or occupancy of a similar building by a United States citizen or entity. Nothing in this subsection shall prohibit the continued use as a chancery, chancery annex, or other business office of any building lawfully being used for that purpose on the date of enactment of this subsection, or to prohibit the making of ordinary repairs to any such building. This subsection shall not be administered in such a way as to discriminate against any foreign government on the basis of the race, color, or creed of any of its citizens."

Mr. BEALL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title will be appropriately amended.

The title was amended so as to read: "A bill to prohibit the location of chanceries and other business offices of foreign governments in any residential area in the District of Columbia."

COMMENDATION OF SENATOR McINTYRE

Mr. MANSFIELD. Mr. President, I commend and congratulate the distinguished Senator from New Hampshire [Mr. McINTYRE], who twice within the space of a week has been responsible for passing in this body controversial bills reported from the District of Columbia Committee. He has rendered an excellent service, and has comported himself with dignity, understanding, and tolerance. I am indeed happy to say to the distinguished Senator from New Hampshire [Mr. McINTYRE] that he has rendered a great service, and has done it in the best tradition of the Senate.

Mr. MORSE. Mr. President, I want to join the distinguished majority leader in congratulating the Senator from New Hampshire [Mr. McINTYRE] for his very able handling of the chancery bill. I am delighted with the passage of the bill. I am sure any differences that will develop in the House can be adjusted in conference. For the first time we now have a uniform policy in the District of Columbia that is of a nondiscriminatory nature and will be fair to all countries concerned.

The very heart of the bill, so far as its uniform policy is concerned, is due to the leadership of the Senator from Maryland [Mr. BEALL], in what became known, in our discussion of the bill, as the Beall amendment, which provided for a uniform rule equally applicable to all.

ADDITIONAL AUTHORIZATION FOR CERTAIN RIVER BASIN PLANS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 338, House bill 6016.

The PRESIDING OFFICER. The bill will be stated by the title.

The LEGISLATIVE CLERK. A bill (H.R. 6016) authorizing additional appropriations for prosecution of projects in certain river basin plans for flood control, navigation, and other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments.

THE RAILROAD RULES DISPUTE

Mr. MORSE. Mr. President, if I may have the attention of the majority leader, I wish to discuss briefly the very serious responsibility that confronts it in connection with the railroad labor dispute. The Senator from Florida [Mr. HOLLAND] has placed in the RECORD an Associated Press dispatch which justifies the conclusion that the carriers have postponed for 30 days the application of the work rules.

Since he put it in the RECORD I have been in consultation with both the White House and the Department of Labor, and neither the White House nor the Department of Labor has received official notice of any such character from the carriers. We are hoping that within the next few minutes we can have official word from the carriers themselves, because they have been asked to supply it.

This may be my last opportunity to discuss this subject before the Senate adjourns today. Therefore I wish most respectfully to make certain suggestions to the majority leader and the minority leader; namely, that they plan, if necessary, to have the Senate meet tomorrow and lay aside all business for further consideration, if it becomes necessary, of the resolution calling upon the carriers to postpone for a 30-day period the application of their work rules. I do not believe it will be necessary, for I have such confidence in the carriers that I am satisfied that they will realize that, although this is a costly request from their standpoint, they nevertheless have a

public trust and a public obligation to oblige Congress in regard to this matter.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. MANSFIELD. I assure the distinguished Senator from Oregon that so far as the leadership is concerned, the Senate will meet tomorrow, if nothing develops, and will be prepared to go ahead with the plan that has been discussed today.

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today it adjourn to meet at 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RAILROAD RULES DISPUTE

Mr. MORSE. Mr. President, in fairness to the carriers, it must be noted for the RECORD that the carriers have cooperated with every agency of Government, with all the boards and commissions of this Government which, since 1949, have been appointed to give consideration to the difficult and vexing dispute which has arisen between the carriers and the brotherhoods. They agreed to go along with the Rifkind Commission report; they agreed to go along with the report of the Rosenman Commission; they agreed to go along with what became known as the Wirtz recommendation—the proposal which was made by the Secretary of Labor; they indicated their willingness to go along with the President's recent proposal for the settlement of the dispute; and they agreed to go along with the recommendation of the President that Mr. Justice Goldberg be appointed to arbitrate the dispute on a voluntary basis.

Therefore, when I speak about the problem which now confronts the carriers, I speak out of a great feeling of appreciation and respect for what has been their procedural fairness. I speak out of great appreciation for the position the carriers have taken procedurally. I emphasize "procedurally," because I am in no position to pass a valid judgment on the substantive issues involved in the dispute. Procedurally, the carriers have cooperated with the Government at every step of the way whenever the Government has asked for cooperation on the part of the carriers.

A message has just reached me from the carriers. Apparently the ticker story is in error. The railroads have made no statement which would cancel putting the work rules into effect next Tuesday.

Therefore I now make this plea to the carriers: I can well understand their dissatisfaction with further delay. However, it will be less costly to them in the long run, because I do not need to tell the carriers what even a short strike will cost them. Moreover, there are considerations that rise above our own individual, selfish economic interests; namely, the good of our country, and the public interest.

I have made this plea to the brotherhoods in the past weeks, as I have pleaded with them not to make the mistaken judgment of attempting to settle on the picket lines a set of issues which are not susceptible of being settled on the picket lines, unless they want to defend going back to jungle law in economic disputes. We ought to settle this dispute by the application of rules of reason, by taking the economic evidence involved in connection with this substantive issue and in connection with the jobs that are involved in the dispute. A good many substantive work rules are involved.

If there ever was a case, in my work in the field of labor relations, that calls for settlement, first around the collective bargaining table, then around the mediation table, and then around the voluntary arbitration table, this is it.

These offers have been made to the brotherhoods, and they have adamantly refused them each time.

What has the President done? He sent to Congress a proposed joint resolution. Interestingly enough much of the heart of the proposed bill goes back to the Washington agreement. The Washington agreement went on the statute books because of the active support and urging of the railroad brotherhoods of this Nation. The President is asking that a large part of the Washington agreement and the procedures thereunder be used in the determination of the present case.

Earlier this year various labor groups asked me to submit an amendment to the mass transit bill. I offered that amendment, because in my judgment they were right on the merits. The brotherhoods were among those who urged the senior Senator from Oregon to offer that amendment to the mass transit bill. There was quite a debate on the floor of the Senate, as the Presiding Officer will remember. There was anything but unanimity on it. The final vote showed that we never did get uniformity, but that we adopted the Morse amendment by a substantial majority vote.

I say most respectfully to the brotherhoods that if that procedure was good enough with respect to the mass transit bill, it is good enough now in respect to the work rule issue.

Let us remember that under the Washington agreement the Interstate Commerce Commission has jurisdiction over matters of job security in connection with railroad mergers. I did not hear the brotherhoods crying about compulsory arbitration when they were urging the Washington agreement procedure for rail mergers and mass transit problems.

We cannot have government by law unless the law is enforced. I suppose it can be said that when the law is enforced compulsion is being used. It is a pretty lame argument the brotherhoods are making by trying to label a procedure that keeps swinging the doors of collective bargaining and mediation opportunity on their part for a 2-year period. This is only an interim procedure which is recommended by the President of the United States. The doors of arbitration and mediation would be kept swinging for 2 years. Any agreement reached by collective bargaining and mediation, or by a voluntary arbitration proposal, within 2 years would set aside any ruling of the Interstate Commerce Commission. I say to the brotherhoods that the time has come when the American people have a right to expect from their Congress that the public interest be protected in this railroad dispute. The statistical facts laid down by the President of the United States in his magnificent message cannot be answered by the brotherhoods. The brotherhoods cannot deny the fact that 1 month's strike would cost the economy of this country a billion dollars.

Do not talk to me about rights. I yield to no one in defense of the right to strike. But the right to strike must be exercised in the light of the rights of others. When we are dealing with a case which by its very substantive nature ought to be settled not on the picket line, by the use of the jungle law, and the use of economic force, but by means of minds applying reason to the facts, I say to my friends in the brotherhoods: "You are making a great mistake in judgment. You are doing not only the house of railroad labor, but the house of free labor in the United States, a great injustice, particularly when you take into account another part of the President's masterful, statesmanlike proposal for the settlement of this dispute."

The President recognizes, and he has told the American people so in this great message that the time has come when Congress must grapple with the problem of automation in this country. The President recognizes, as I am sure an overwhelming majority of the representatives of the people in Congress recognize, that all the costs of automation should not be borne by industry, and not all the losses of automation should be borne by free labor.

Mr. President, you and I and all the rest of the American people have a stake in automation, because we are the beneficiaries of it. We cannot turn back the clock. Progress must continue. We cannot justify further make-work rules. We cannot justify further economic waste merely to keep men on jobs, because such a program is uneconomic. It is not in the public interest, and it is not in the long-time best interest of American workers.

In 1938 I wrote the first decision against a make-work program in the maritime industry along the west coast. I did it under a voluntary arbitration agreement. It resulted in ending the economic waste of making work in that industry, and the whole working force of the industry soon became the beneficiary. It is interesting to observe that when economic waste is eliminated from an industry that is involved in make-work programs, called by some persons by the ugly name "featherbedding," it costs workers jobs in their totality. But when make-work procedures are eliminated, efficiency and production are increased; more jobs are produced in a short period of time.

I do not know the substantive facts with respect to the desirable modification of the work rules in the railroad industry, as they affect jobs; that is a matter of proof. But the President has provided a procedure which would make it possible for the parties to present their proof; and also, in keeping with our system of government by law, he has provided for a decision by a body which Congress created years ago to regulate the railroad industry.

Early next week, when I discuss this subject further, I shall read to the Senate excerpt after excerpt from the debates in the Senate and House of Representatives when the Interstate Commerce Commission was created. Statement after statement by the proponents of the bill which established the Interstate Commerce Commission said, in effect, that there is a responsibility to use the Commission's procedures in order to prevent unnecessary strikes. In my judgment, one of the reasons why there have been fewer railroad strikes since 1910, I suppose, than I have digits on one of my hands, is that we have been dealing with a group of workers who are not exceeded by any other group of workers in the Nation from the standpoint of their sense of public responsibility.

I refuse to believe that such clear-headed judgment will not return to the leadership of the brotherhoods before it is too late. I refuse to believe that the leaders of the brotherhoods propose to throw this country into a stalemate economic blockade rather than have a decision on the substantive issues involved in the dispute, a decision that would be reached in accordance with our legal procedures of enforcement, without which there cannot be a government by law. These are critical hours for both parties to the dispute.

The President has announced that a Commission on Automation will be created, and some of us propose to support the President by giving congressional sanction to it by making it a Commission created by Congress as well as by the President. It will have the responsibility within the next 2 years of proposing to Congress and placing upon Congress the necessity for passing such legislation as will provide that economic justice is done to workers who are victimized by unstoppable automation.

It is not unusual for me to find both sides angry at me in a major labor dispute. If ever I was convinced of the soundness of my procedural position in any labor dispute, I am convinced of its soundness in this dispute.

So I plead with the chiefs of the railroad brotherhoods: "Take a look at your holecard. In my judgment, you will find it to be a deuce, not an ace, if you bring about a strike that would cost the people of the country a billion dollars or more a month, that would put more than 6 million fellow workers out of work, that would have an adverse effect on the balance-of-payments situation, that would disrupt the Nation's economy. It would not serve any worker in the country well."

I need not tell the railroad brotherhoods that as the strike proceeds, they will soon discover that those in Congress who they thought would stand behind them in that kind of economic warfare will receive messages clear and loud from back home: "We elected you to serve the public first." Members of Congress should heed that prediction now, because that is what will happen.

In closing, I say to the carriers that I hope that when the Committee on Commerce meets tonight at 7 o'clock, and the acting chairman, the able Senator from Rhode Island [Mr. PASTORE], asks the carriers, as I understand he will ask them, if they are willing to postpone for a month the posting of their work rules, the answer of the carriers will be that they will accede to the desire of the two chairmen. The same question has already been asked of them by the chairman of the House committee this morning, and the leadership of both Houses of Congress have already made clear to the carriers that that is the desire of the leadership. I cannot speak for the Congress; but I can express my view as to what undoubtedly would be the attitude and opinion of Members of Congress if the carriers were to do that and if on that question there were to be a yea-and-nay vote among Members of Congress.

Of course, the carriers have the same right the brotherhoods have to resort to economic warfare—which, in essence, it would be; in essence, the carriers would be following the economic struggle route, rather than the route whereby good judgment and reason prevail. A very serious situation in Congress could be avoided if tonight in the committee the representatives of the carriers would give an affirmative answer to the respectful request of the Senator from Rhode Island [Mr. PASTORE] that they postpone for 30 days the posting of the working rules, until Congress can take action, following calm deliberation.

But assuming for the moment that their decision is otherwise, then, I repeat—and the majority leader has indicated very clearly, and so has the minority leader, I understand, that he shares the same point of view—when we meet tomorrow, the joint resolution providing for a 30-day postponement will be offered. I do not think it will take very long to pass it, and then send it to the House of Representatives; but that would be a most unfortunate mistake in judgment on the part of the carriers, for I believe it would tarnish the record of cooperation they have made in this case. It is one which they cannot justify tarnishing, from the standpoint of the best interests of their stockholders, and also of the American people generally, for, after all, their industry is vested with a public interest. I respectfully remind them that, after all, each one of us owns a small part of the railroads of the Nation, even though we may not own a single share of their stock, for in a very real sense over the years the railroads have been the recipients of the largess of the Treasury of the United States in a variety of ways—and they should be. But, after all, the various subsidy programs of which they have been the beneficiaries over the years raise—in my judgment—some obligations of public responsibility, which I am sure they appreciate and understand.

Mr. President, I know the representatives of the carriers, as I know the representatives of the brotherhoods; and I know them to be outstanding industrial statesmen. In 1941, I lived with them for about 6 weeks, along with the chiefs of the brotherhoods, when we settled an exceedingly difficult railroad dispute; and I formed great admiration for the leadership of the carriers. Many of them are still leaders of the carriers. I want them to know that in the remarks I have just made I intended no reflection, but intended only to state to them what I know to be the realities of the situation which confronts them.

So, Mr. President, as a friend, I plead with them to accept the suggestion which will be made to them—namely, voluntarily to lay aside their plan to post their new working rules on Tuesday morning—thus precipitating a strike, for they know that would be a certainty—and also to follow the course of action I have suggested, so the elected representatives of our free people in the Congress of the United States can handle deliberately, calmly, and with wisdom, this railway legislation request of the President.

Last of all, let me say to the carriers that this proposal is not one for dilatory tactics or delay. If I ever become convinced that Congress was not going to act within the 1-month period, I will be the first to suggest that we withdraw our request for continuation of the postponement, for the carriers are also entitled to fair treatment from the Congress. In my judgment, if the carriers oblige in this matter, Congress must make railway legislation its primary, major piece of business until a final decision, one way or the other, is reached by Congress.

I would that I had not felt it necessary to make the speech I have just made, for if I had not made it, probably I would have more friends among both the brotherhoods and the carriers. But if I had not made it, I would not have been a true friend to either the brotherhoods or the carriers. Time will prove that I have rendered them a service by my plea that the brotherhoods reconsider their adamant opposition to the magnificent proposal that the President has made, and that the carriers recognize that if they decide not to follow this advice, they will have made a mistake which will tarnish the record they have made of splendid cooperation with their government in trying to resolve this difference short of economic action.

I yield the floor.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the

following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H.R. 1933. An act to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," as amended, with respect to the minimum age limitation for registration;

H.R. 4646. An act to declare a portion of the Benton Harbor Canal, Benton Harbor, Mich., a nonnavigable stream; and

H.J. Res. 403. Joint resolution to amend section 316 of the Agricultural Adjustment Act of 1938, to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

NUCLEAR TEST BAN TREATY AND WITHDRAWAL FROM SOUTH VIETNAM

Mr. THURMOND. Mr. President, on June 27, the Washington Post and other newspapers published an advertisement entitled "We, Too, Protest." This advertisement was an attack on the Government of President Ngo Dinh Diem, of South Vietnam, and upon the effort of the United States to assist South Vietnam to resist Communist efforts to take over the country by military means. On July 2, I pointed out on the Senate floor that the advertisement was false and either distorted or ignored the facts. I further pointed out that no evidence whatsoever had been produced to support the flimsy charges listed in this advertisement over the names of Protestant, Jewish, or Buddist clergymen.

Yesterday I received a letter from Mr. Harold F. Erickson, an American citizen now living in Saigon, Vietnam, where he is engaged as a writer on a private research contract in South Vietnam. Mr. Erickson enclosed an open letter to the signers of the June 27 advertisement. In the letter he refutes conclusively every charge made, and points out the tragic results of propaganda pieces such as this, signed by clergymen.

I ask unanimous consent that the letter to me from Mr. Harold F. Erickson, dated July 17, and the open letter addressed to Dr. Donald S. Harrington, of the Ministers' Vietnam Committee, dated July 15, 1963, be printed in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SAIGON, VIETNAM,
July 17, 1963.

HON. STROM THURMOND,
U.S. Senate, Washington, D.C.

DEAR SENATOR THURMOND: I was gratified to read in the July 11 Times of Vietnam an extract of your speech to the Senate on the subject of the Ministers' Vietnam Committee. I think this misguided group should (1) publish a formal retraction of its newspaper advertisement entitled "We, Too, Protest," and (2) be disbanded.

The enclosed letter on the subject of the shocking and ill-advised advertisement might be of interest to you. I have sent copies of it to the President, to Ambassador-designate Lodge, to Senators MANSFIELD and ENGLE, to the 11 prominent ministers who signed the advertisement, and to the editors of 7 major newspapers in the United States.

Sincerely yours,

HAROLD F. ERICKSON.

OPEN LETTER TO MINISTERS' VIETNAM COMMITTEE

SAIGON, VIETNAM,
July 15, 1963.

Rev. Dr. DONALD S. HARRINGTON,
Secretary, Ministers' Vietnam Committee, New York, N. Y.

DEAR DR. HARRINGTON: I was shocked and dismayed by your full-page advertisement headed "We, Too, Protest" in the New York Times international edition of June 28, 1963.

I have been in Vietnam for 4 months working as a technical writer on a private research institute contract with a U.S. Army unit whose function is to observe, interpret, and report on military operations in Vietnam. Since the military and political aspects of the counterinsurgency war being fought here cannot be separated, I find that I deal with as much information of a political nature as I do that of a military nature.

The sources of the information I receive are in Saigon, in the strategic hamlets, and in the countryside where the war is being fought. They are military and civilian; Vietnamese and American; Catholic, Protestant, and Buddhist. I have been with the operating forces in the field, have visited the residents of the strategic hamlets, and have interviewed many informed people in Saigon. For the most part, these sources are reliable. They are, at least, on the scene.

I came to Vietnam with no preconceived ideas of the military, political, moral, or religious issues involved here, and I have been careful to maintain my objectivity, as this is a prerequisite of my job and a duty to the institute of which I am a member.

I can only conclude, on the basis of the information I have been privileged to obtain, that your advertisement shows an appalling lack of factual evidence, an incredible naivete, and an irresponsible disregard of the consequences of lending the names of eminent Protestant and Buddhist ministers and Jewish rabbis to this spurious and ill-advised cause.

I can honestly, and with the authority based on factual evidence, state that all four enumerated points in your protest are gross misrepresentations, tantamount to unjust and inflammatory propaganda that can benefit only the cause of communism.

Your first protest: "Our country's military aid to those who denied him (the Buddhist monk who set himself on fire) religious freedom" indicates a simple unawareness of the facts of the case. The self-immolation of the Venerable Thich Quang Duc did indeed take place, and photographs of the burning monk had an electrifying effect on world opinion. But the motives behind the act are obscure. The tragedy was heightened by the fact that the sacrifice was needless. There is not now, nor has there ever been, any denial of religious freedom to Buddhists in Vietnam.

The first demand by the General Association of Buddhists (the organization that staged the recent Saigon demonstrations) was that the Buddhists be permitted to fly their own flag. In the first place, there is no recognized flag of Buddhism, as such; the flag in question is that of the General Association of Buddhists, an organization that by no means represents Buddhism in general or Vietnamese Buddhism in particular. Since 1957 there has been a Government order with respect to the precedence of the national flag over all other flags (similar to the traditional, formal treatment of the American flag). This order was first invoked against Catholics in Vietnam. At the dedication of a new Catholic church in Hué early this year, papal flags were flown. They were ordered to be hauled down and replaced by national flags. The Catholics acquiesced.

Another of the General Association of Buddhists' demands was freedom of worship. There has, in fact, been no suppression of Buddhist services or observances, private or public. It is also interesting to note that one-fourth of all the existing Buddhist pagodas in Vietnam have been built since the Diem government came to power; another fourth have been rehabilitated during this time; and the Diem government has granted 9 million piasters ($125,000) for these projects. The President himself donated 600,000 piasters ($8,300) toward construction of the Xa Loi Pagoda in Saigon (the very pagoda to which the charred body of the Venerable Thich Quang Duc was taken). This is indeed a strange way to deny religious freedom.

Religious freedom also presumably implies the absence of discrimination in political and military appointments. A footnote to your advertisement, taken from a New York Times editorial of June 17, 1963, states that most high government officials and military officers are Catholics. Another error in fact. The majority of high government officials, including the Vice President and Secretary of State, are Buddhist, not Catholics; of the 19 generals in the Vietnamese Army, only 3 are Catholics.

Your second protest: "The immoral spraying of parts of South Vietnam with crop-destroying chemicals and the herding of many of its people into concentration camps called strategic hamlets" shows a callous disregard for the true significance of these projects. The crop-destroying chemicals are used for two purposes: (1) Selective destruction of crops in areas known to be occupied only by Vietcong guerrillas; and (2) of greater importance, as a means of clearing dense vegetation from either side of arterial roads in Vietnam in order to cut down the opportunities for Vietcong guerrillas to hide and ambush highway traffic. I'm sure you are aware of the high incidence and brutality of these ambushes. Innocent civilians (including Protestant missionaries, Catholic priests and nuns, and schoolchildren) as well as military personnel in convoys have been killed on the roads leading to and from Saigon. Thanks to the crop-destroying chemicals, these same roads are now relatively safe. It is indeed unfortunate that such a measure must be taken, but without any doubt it has saved hundreds of lives, and at the expense of a band of vegetation 100 yards or so deep on either side of some roads. (Our own freeway projects do infinitely more damage to the landscape, crops, and roadside businesses.)

As for the strategic hamlets, your statement that they are "concentration camps" is absurd. The strategic hamlet program is a truly inspiring patriotic effort on the part of all who are involved in their construction, and they may well be the deciding factor in this very real war against communism. For the first time, the people of rural Vietnam have some security against the Vietcong terrorists who, before the strategic hamlets came into being, roamed the countryside at will, living off the defenseless farmers. The hamlets deny the Vietcong access to one of its primary sources of food supply.

Apparently it must be pointed out that the strategic hamlets are built and fortified by the people who live in them; no one is forced to move into these villages; and the inhabitants are free to come and go as they please. Typically, the farmers who live in the hamlets tend their fields or rice paddies outside the hamlets in the daytime, and retire at night to the hamlets, with their harvested crops, for security.

Other benefits accrue: Because of the community life to which some of these agrarian people have, for the first time, been exposed, a real grassroots democracy is being formed. The residents of the hamlets are electing their own officials and making their own

laws. Public welfare projects are being given a practical focus formerly impossible for the scattered rural population. With American material aid and technical assistance, wells are being dug, bridges built, and dispensaries and schools constructed. These are concentration camps?

Your third protest: "The loss of American lives and billions of dollars to bolster a regime universally regarded as unjust, undemocratic, and unstable" is fatuous. What, precisely, does the term "universally regarded" mean? Obviously, there is opposition in Vietnam to the Diem government. But my experience and observations have been that this opposition is by no means universal here, where it matters most. And what of the attitude of my own Government? If opposition to the Government of Vietnam were truly universal, it seems illogical that the representative government of the United States would bolster it. And certainly your committee would be the first to admit that the Diem government is at least tolerated by the Catholic Church, the most numerous of Christian denominations.

Then we should examine the words "unjust," "undemocratic," and "unstable."

Most certainly we could find examples of gross injustice in the Diem government—or any other government, or any other human institution, for that matter. We can also find examples of justice and wisdom and a dozen other virtues. It is useless to debate the point here.

As for undemocratic, the Government of Vietnam is quite definitely not a democratic form of government as we know it, but it does not pretend to be. It is known as "personalism"—a term little known or understood by Americans. A personalistic government is to the right of center politically and to the left of center economically. It might well be the most effective and most desirable form of government for this new nation at this particular stage of its development. In any event, personalism is compatible with the basic tenents of democracy, of Christianity, of Buddhism, and of Judaism. It is not compatible, however, with atheistic communism.

"Unstable?" The Diem government has been in power for 9 years—since Vietnam was divided by the Geneva accords in 1954. There is no sign, in Vietnam at least, that the government is on the verge of collapse. Describing a government as unstable, when it has been in power the equivalent of more than two of our own presidential terms, seems irrational. It might be of interest to point out here that early this year (February) the Diem government proclaimed a national policy of open arms (chieu hoi) to induce defections from the ranks of the Vietcong. In less than 5 months more than 7,300 people have returned from the Communist fold. Defections in the opposite direction during the same period have been negligible. Quite an accomplishment for a tottering government.

Your fourth protest: "The fiction that this is fighting for freedom" is morally reprehensible. If the fight against communism—and therefore for freedom is going on any place in the world today, that place is Vietnam.

Mr. Roger Hilsman, Assistant Secretary of State for Far Eastern Affairs, has said "Vietnam is the testing ground for Communist guerrilla strategy. Vietnam's twilight war may rank as one of the decisive battles of world history. An effective counter against these guerrilla tactics could be quite decisive to Western strategy in southeast Asia and eventually Africa and Latin America."

It is apparent to those of us living in Vietnam that the American troops who are risking their lives in support of this counterinsurgency war realize, quite literally, that they are "fighting for freedom."

Sincerely yours,

HAROLD F. ERICKSON.

NATIONAL LABOR RELATIONS BOARD ACTIONS

Mr. THURMOND. Mr. President, on May 13, 1963, a representation election was held at the direction of the National Labor Relations Board in the Utica-Herbrand Tool Division of Kelsey-Hayes plant in Orangeburg, S.C. The union which was seeking recognition was the International Association of Machinists. The union was rejected by a vote of 245 to 171.

On July 8, the regional director for region 11 of the NLRB recommended that this election be set aside.

The fourth and fifth objections to the validity of the election, which incidentally were both sustained by the regional director, are as follows:

4. Allowing and encouraging, influential people in the community to conduct a reign of terror immediately preceding the election. Specifically, the "interested citizens of Orangeburg" threatened, coerced, and intimidated the employees through newspaper ads, housecalls, handbills, and radio programs.

5. Allowing, and encouraging, the editor of the local newspaper to make statements and write editorials that prevented a free vote by creating confusion, and fear of reprisals among employees.

The people of Orangeburg, S.C., are most indignant at the findings and recommendations of the regional director, and justifiably so. The regional director concluded—

In evaluating the evidence in its entirety, the undersigned is of the opinion that the barrage of propaganda issued by the employer and others in the community, including the newspaper editorials and radio broadcasts, generated an atmosphere of fear of economic loss and complete futility in selecting the union as the bargaining representative, thus destroying the laboratory conditions deemed necessary in the conduct of Board elections and prevented the expression of a free choice by the employees.

Mr. President, no election in this country is or should be held under laboratory conditions. The public, itself, has legitimate interest in representation in elections which take place in this community.

One of the charges made was that the employer allowed the editor of the local newspaper to make statements and write editorials concerning the issues in the election. Mr. President, surely the employees of the NLRB should know by now that the press of this country is still free to editorialize on whatever subject it sees fit, and such expressions cannot be prevented in order to bring about what the regional director of the NLRB calls laboratory conditions.

Mr. President, I ask unanimous consent that the "Report On Objections" in the case of the Utica-Herbrand Tool Division of Kelsey-Hayes Co., employer, and International Association of Machinists, AFL–CIO, petitioner in case No. 11–RC–1780 be printed in the RECORD at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

UTICA-HERBRAND TOOL DIVISION OF KELSEY-HAYES CO., EMPLOYER, AND INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL–CIO, PETITIONER, CASE NO. 11–RC–1780

(Before the National Labor Relations Board, 11th Region)

REPORT ON OBJECTIONS

Pursuant to a Decision and Direction of Election,[1] issued by the undersigned Regional Director of the Eleventh Region on April 18,[2] a secret ballot election was held under the supervision and direction of the undersigned on May 13, with the following results:

Approximate number of eligible voters	460
Void ballots	0
Votes cast for petitioner	171
Votes cast against participating labor organization	245
Valid votes counted	416
Challenged ballots	2
Valid votes counted plus challenged ballots	418

The challenged ballots were not sufficient in number to be determinative.

Copies of the tally of ballots were duly served on the authorized representatives of the employer and the petitioner.

Timely objections to conduct affecting the results of the election were filed by the petitioner on May 20. A copy of the objections was duly served on the employer.

The objections allege as follows:

1. Refusing to allow union representatives access to the plant at the time designated by the NLRB to examine the list of eligible voters.

2. Delaying the start of the election by posting large bulletins near the voting area making it necessary to remove them before the election could be started.

3. Allowing supervisors to make election speeches to massed assemblies within the plant during the 24-hour period immediately preceding the election.

4. Allowing, and encouraging, influential people in the community to conduct a reign of terror immediately preceding the election. Specifically, the interested citizens of Orangeburg threatened, coerced, and intimidated the employees through newspaper ads, house calls, handbills, and radio programs.

5. Allowing, and encouraging, the editor of the local newspaper to make statements and write editorials that prevented a free vote by creating confusion, and fear of reprisals among employees.

6. Making statements immediately prior to the election that were designed to intimidate the employees by indicating that the company would not grant increased benefits short of a strike by the Union.

For these reasons, and for other reasons, the Union requests the Regional Director to set aside the election held on May 13 and to conduct a new election under conditions that will allow the employees a free choice.

Pursuant to the provisions of section 102.69 of the Board's rules and regulations, series 8, as amended, an investigation of the issues raised by the objections has been conducted under the direction and supervision

[1] The unit found to be appropriate is, "All production and maintenance employees, including plant clerical employees, employed at the Employer's Orangeburg, South Carolina plant, but excluding office clerical employees, professional employees, foremen, leaders, guards and supervisors as defined in the Act."

[2] All dates are 1963.

of the undersigned, who, having afforded the parties full opportunity to submit and present evidence bearing on the issues, and having carefully considered the results of the investigation, makes the following recommendations: [3]

1. The investigation disclosed that the preelection arrangements made by the Board agent included the inspection of the eligibility list by representatives of the petitioner at 9 a.m. on May 11. However, due to a misunderstanding by the employer's attorney as to the time the list was to be made available the petitioner's representatives were denied admission to the plant at the scheduled hour. Other arrangements were made very soon thereafter and the petitioner's representatives were able to check the list before the election.

While the misunderstanding was unfortunate the petitioner did have an adequate opportunity to check the eligibility list before the election. Accordingly, the undersigned finds that this objection raises no substantial and material issues and recommends that it be overruled.

2. The Board agent reports that the polls opened at 6:55 a.m.[4] because of a number of factors: It was necessary to assemble and instruct the observers; the Board agent answered questions posed by the representatives of the parties concerning the mechanics of the election; at the Board agent's request the employer removed several signs which were posted near the voting area. No evidence was presented, nor was any adduced during the investigation, which would indicate that anyone was deprived of the right to vote because of the short delay in opening the polls.

The undersigned finds that this objection raises no substantial or material issues and recommends that it be overruled.

3. No evidence was presented to substantiate this objection. Accordingly, the undersigned finds that objection 3 raises no material or substantial issues and recommends that it be overruled.

4., 5., and 6. The petitioner contends that because of the massive and coercive anti-union campaign, including speeches, editorials, radio broadcasts, newspaper advertisements, leaflet distribution and visits to the homes of the employees, the laboratory atmosphere which the Board seeks for its elections was destroyed.

Orangeburg, S.C., where the plant is located, is the county seat of Orangeburg County. The city has a population of 13,852, the county 68,559. The city of Orangeburg has one newspaper, the Times and Democrat,[5] with a daily circulation of 8,299 and 9,236 on Sunday. The city has three radio stations—WTND, WDIX, and WORG.[6]

As noted previously, the petition was filed on March 13. A hearing was held on April 5 and a decision and direction of election issued on April 18. By April 23, the election arrangements were completed and a letter confirming the details was sent to the parties. At various times on April 24 and 25, Plant Manager Derry delivered a speech [7] to assembled groups of employees.

One employee witness states that during the afternoon of April 30 Dr. Henry F. Frierson, a doctor who the witness and his family used from time to time, stopped by his house. Dr. Frierson asked the witness to come out to his car where they could talk in private. The witness complied. Dr. Frierson stated that he knew that the witness was interested in forming a union at the employer's plant, that interested citizens did not want a union in Orangeburg, and that he was visiting employees to get them to vote against the union. The doctor talked about unions about an hour. Before leaving, Dr. Frierson tried to extract a promise from the witness that he would vote against the union.

Another employee witness states that on April 21 two Orangeburg policemen stopped by his house and asked him to get in their car. They talked about working conditions at the plant. They then discussed the merits of unionization and the possibility of the plant moving out of the area.

Copies of the notice of election were mailed to the parties on May 1. On May 3, the employer mailed a letter [8] to the homes of its employees. An advertisement,[9] occupying one-quarter of a page and inserted by the interested citizens of Orangeburg County,[10] appeared in the May 7 edition of the Times. This advertisement, in the form of a handbill, was widely distributed throughout the city of Orangeburg during the 3 or 4 days immediately preceding the day of the election. An interested citizens' advertisement appeared each day after that up to and including May 12.[11] Also on May 8, a letter,[12] on the letterhead of and signed by C. Walker Limehouse, an attorney and a former member of the South Carolina Legislature, was sent to a number of plant employees.

Beginning on May 9 and continuing up to and including May 13 a series of spot announcements,[13] sponsored and paid for by the interested citizens, were broadcast over the three local radio stations. These announcements over WORG were as follows: On May 9 there were 9 announcements, beginning at 6:21 a.m. and ending at 5:11 p.m.; on May 10 there were 10 announcements, beginning at 6:17 a.m. and ending at 5:40 p.m.; on May 11 there were 10 announcements, beginning at 6:20 a.m. and ending at 5:40 p.m.; on May 12 there were 11 announcements, beginning at 8:20 a.m. and ending at 6:50 p.m., and on May 13 there were 4 announcements, beginning at 6:25 a.m. and ending at 6:50 p.m. On WDIX the announcements were as follows: On May 9 there were 9 announcements, beginning at 5:59 a.m. and ending at 11:07 p.m.; on May 10 there were 10 announcements, beginning at 5:59 a.m. and ending at 11:06 p.m.; on May 11 there were 10 announcements, beginning at 5:59 a.m. and ending at 11:04 p.m.; on May 12 there were 11 announcements, beginning at 7:11 a.m. and ending at 11:04 p.m., and on May 13 there were 4 announcements, beginning at 6:04 a.m. and ending at 12:30 p.m.

On May 9, the employer sent a letter [14] to the homes of its employees. On the same day Plant Manager Derry made a speech [15] to assembled groups of employees. The editorial, attached hereto as appendix P, appeared in the May 10 edition of the Times.

A witness states that during the evening of May 10 Mr. Fair, the mayor of Orangeburg, visited him at his home. Another employee was at the witness' home at the time. Mayor Fair told the employees that he hoped they would vote the right way, that other industries were thinking of locating in Orangeburg but would not if the union was voted in, that other employees were being visited, and that the union would hurt the business people in town. Mayor Fair admits visiting several of the employees.

During the evening of May 11 and on subsequent broadcasts on May 12, WDIX carried the story of John David Brown, a farmer, as a newscast. The Farmer Brown newscast is attached hereto as appendix Q. On May 12, the Times carried two quarter-page advertisements, one signed by the Orangeburg County delegation to the South Carolina Legislature,[16] the second signed by Mayor Fair.[17] Appendixes R and S appeared on the same page as appendix H, thus making a full-page advertisement. On the same day, the Times carried an editorial on its first page which is attached hereto as appendix T. The editorial stated that the employer could discharge employees who struck to support union demands. During the week immediately prior to the election, the booklet, "Dear Mom * * *" attached hereto as appendix U, was available to anyone who wanted a copy at all the banks in Orangeburg.

An election serves its purpose only if it affords an opportunity for the employees to register a free and untrammeled choice of a bargaining representative. While it is true that much of the conduct described above was not attributable to the employer, nonetheless, if the character of such other conduct coupled with the employer's actions, is so aggravated as to create a general atmosphere of fear of economic reprisals, a free expression of choice of a bargaining representative is impossible.

In Plant Manager Derry's speech to employees on April 24 and 25 (appendix A), he stated, inter alia:

"Orangeburg is a fine town and has a great future ahead of it, provided it is not subjected to the destructive influences which have ruined industry in the East, West, and North and cause them to move into the South. No company in its right mind is going to leave a section of the country when it has been subjected to the ridiculous and destructive influences brought about by these unions and move into another area to face the some thing. * * * Many of these distressed areas are a result of moving out in wholesale quantities of industries. Having ruined one section of the country, the unions now want to ruin this section."

Substantially the same remarks were made in the employer's letter to employees, dated May 3 (app. B). Similar remarks were made over the radio through spot announcements sponsored by the interested citizens beginning on May 9 through the day of election

[3] Only incidents which occurred between March 13, the date of filing of the petition, and May 13, the date of the election, are reported herein (*Ideal Electric and Manufacturing Co.*, 134 NLRB 1275).

[4] The scheduled voting hours were 6:45 a.m. to 10:30 a.m. and 5:30 p.m. to 7 p.m.

[5] Hereinafter referred to as the Times.

[6] Statistics from Editors Publisher Market Guide, 1963.

[7] The text of the speech is attached hereto as appendix A.

[8] Attached hereto as appendix B.

[9] The text of the advertisement is attached hereto as appendix C.

[10] Hereinafter referred to as the interested citizens. This committee was composed of a number of prominent citizens in the community; the presidents of the three Orangeburg banks were cochairman.

[11] Each advertisement, except for the one on May 12 which was a half page, occupied one-quarter of a page and appeared in the Times. The text of the May 8 advertisement is attached hereto as appendix D, the May 9 advertisement as appendix E, the May 10 advertisement as appendix F, the May 11 advertisement as appendix G, and the May 12 advertisement as appendix H.

[12] Attached hereto as appendix I.

[13] The texts of the announcements over WORG and WDIX are attached hereto as appendixes J to M, inclusive. The texts of the announcements made over WTND and the times of these announcements were not made available. It is assumed that the same material was broadcast over this station.

[14] The text of the letter is attached hereto as appendix N.

[15] The text of the speech is attached hereto as appendix O.

[16] The text is attached hereto as appendix R.

[17] The text is attached hereto as appendix S.

(apps. J through M). Spot announcements over the radio also stated the union drove the company out of Utica, N.Y., implying the same could happen at the Orangeburg plant (apps. K, L, and M).

In his announcement in the Times of May 12, Mayor Fair stated that two other companies were planning on locating in the area but were awaiting the outcome of the election to be held the following day. It is clear from the text, he conveyed the message that these companies would not locate there if the union were voted in (app. S). The same theme was voiced in an editorial appearing in the Times on May 10 and in an ad placed on May 12 by the interested citizens (apps. P and H, respectively).

In the opinion of the undersigned, these statements tended to instill in the minds of the employees the fear that selection of the union would cause Orangeburg to become a distressed area, would cause the employer to move and would deprive employees of job opportunities with other companies who would not then locate in the area.[18]

Apart from that described above, another type of propaganda was disseminated. In the employer's letter to its employees, dated May 3 (app. B), it stated:

"This union has made many rash promises as to what it intends to get for you. Let's not be misled. This company under the law has no obligation to grant a single concession to this union. The only way that this union can get any concessions from this company is by a strike.[19] Should this union strike this company because of wages, hours, or working conditions, this company has a right under the law to replace permanently each and every worker who goes out on strike, with no obligation to take any of them back. In that event not only do you fail to get what the union promised you, but you have lost your job as well. I am sure that the union has not told you this. Has the union told you about a Henderson, N.C., strike where hundreds of families were left homeless and destitute? The union then called off the strike and told the employees that they would have to fend for themselves."

This same theme was expressed in a condensed version in the ad placed by interested citizens in the May 7 edition of the Times (app. C). In an editorial appearing in the Times on May (app. T) the day preceding the election the following appeared:

"It (the union) cannot make good the promise, Utica's management can refuse union demands, and probably will. The union's only weapon is to call a strike. In that event, under South Carolina's laws, the management would be entirely within its right to fire such employees who do not report for work as expected. And commonsense would lead one to believe that such discharged personnel would find it impossible to return to Utica and would find it difficult to obtain industrial employment anywhere else."

In the opinion of the undersigned, the statements by the employer, coupled with those by the outside elements, tended to convey to the employees the futility of selecting the union as their bargaining agent. Thus, the theme expressed was that the only way the employees could get a bargaining contract was through a strike and concurrently hovering over the employees was the danger of replacement. The editorial appearing on May 12 on the eve of the election actually spoke of discharge in event of strike and perils of obtaining reemployment with the company or any other employer. Added to the forecast of eventual strike was the distribution of the "Dear Mom" booklet which appears to be a printed version of the movie, "Why Women Must Weep."[20]

In evaluating the evidence in its entirety, the undersigned is of the opinion that the barrage of propaganda issued by the employer and others in the community, including the newspaper editorials and radio broadcasts, generated an atmosphere of fear of economic loss and complete futility in selecting the union as the bargaining representative, thus destroying the laboratory conditions deemed necessary in the conduct of Board elections and prevented the expression of a free choice by the employees.

RECOMMENDATION

The undersigned recommends that the election conducted herein on May 13 be set aside.

CONCLUSIONS

Having recommended that the May 13 election be set aside, the undersigned further recommends that the Board issue a decision and direction of second election, directing that the case be remanded to the undersigned to conduct a new election at such time as he deems that circumstances permit the employees' free choice of a bargaining representative.

Dated at Winston-Salem, N.C., July 8, 1963.

REED JOHNSTON,
Regional Director.

Mr. THURMOND. Mr. President, this recommendation and report by the regional director of the 11th region of the NLRB merits the severest criticism. The Times and Democrat of Orangeburg, S.C., the very newspaper attacked in the recommendation, has itself provided the very type of criticism which the report deserves, and it would be far more fitting that the Times and Democrat of Orangeburg, S.C., be permitted to speak for itself on this matter, something it is very capable of doing. I, therefore, ask unanimous consent that an article entitled "Recommendation To Set Aside Utica Election Made to NLRB" appearing on page 1 of the Times and Democrat of July 13, 1963, and an editorial entitled "We Affirm Our Stand" from the same edition; and an editorial from the July 14 issue of the Times and Democrat entitled "Laboratory Conditions—For What?" be printed in the RECORD at this point in my remarks.

There being no objection, the article and editorials were ordered to be printed in the RECORD, as follows:

[From the Orangeburg (S.C.) Times and Democrat, July 13, 1963]

RECOMMENDATION TO SET ASIDE UTICA ELECTION MADE TO NLRB—REIGN OF TERROR IN CITY BEFORE PLANT VOTE CLAIMED

(By Frank K. Myers)

A recommendation to the Washington, D.C., office of the National Labor Relations Board that an employee election May 13 at the Utica-Herbrand Tool Division plant near Orangeburg be set aside has been forwarded by the NLRB's regional office in Winston-Salem, N.C., The Times & Democrat learned Friday.

The recommendation, signed by Reed Johnston, director of region 11 of the NLRB, cites a "reign of terror" against employees at the plant who, in a secret ballot, refused to accept the International Association of Machinists, AFL–CIO, as their bargaining agent by a vote of 245 to 171.

John N. Sheridan, representing the IAM in Orangeburg, told the newspaper that "considering the number of recommendations approved in such matters in the past as against the number turned down, the former would outweigh the latter."

"At some time, it may be soon or it may be a year from now," he said, "there will be another election at the plant. In the meantime, we will await the national board's action.

"In order for us to have an election in which an employee would have a free choice, it would be necessary for some of the town people to restrain themselves. I am just sitting on it at the present time. It is in the hands of our attorneys in Washington."

Attempts to reach Utica executives for comment were unavailing Friday, the top officers being out of town.

Observers said, however, that the Utica management will have three courses they may follow. One is to petition for an immediate election should the recommendation be approved. Another is to await NLRB action and abide by any date set for a second election. And the third would be to fight the matter to a conclusion through civil court action.

Sheridan, however, inferred that the IAM will be consulted before an election date is set, calling attention to Johnston's conclusions in his "report on objections" in which he recommended that "the board issue a decision and direction of second election, directing that the case be remanded to the undersigned to conduct a new election at such time as he deems that circumstances permit the employees free choice."

Basis of the recommendation for a second election is on three "timely" objections filed by the IAM on May 20. Three other objections were thrown out by Johnston on the basis of reports from NLRB investigators who visited the city to make a study.

The three objections on which the recommendation was made follow:

(1) Allowing, and encouraging, influential people in the community (by Utica management) to conduct a reign of terror immediately preceding the election. Specifically, the "Interested Citizens of Orangeburg" threatened, coerced, and intimidated the employees through newspaper ads, house calls, handbills, and radio programs.

(2) Allowing, and encouraging, the local newspaper (on the part of Utica management) to make statements and write editorials that prevented a free vote by creating confusion, and fear of reprisals among employees.

(3) Making statements (by Utica management) immediately prior to the election that were designed to intimidate the employed by indicating that the company would not grant increased benefits short of a strike by the union.

Thrown out by the NLRB regional office as just complaints were the following:

(1) That Utica management refused to allow union representatives access to the plant at the time designated by the NLRB to examine the list of eligible voters.

(2) That Utica management delayed the start of the election by posting large bulletins near the voting area making it necessary to remove them before the election could be started.

(3) That Utica management allowed supervisors to make election speeches to massed assemblies within the plant during the 24-hour period immediately preceding the election.

The "Report on Objections" said that the IAM contends that "because of the massive and coercive antiunion campaign, including speeches, editorials, radio broadcasts, newspaper advertisements, leaflet distribution and visits to the homes of employees, the laboratory atmosphere which the board seeks for its elections was destroyed."

It specifically notes a call to the home of a Utica employee by an Orangeburg physi-

[18] See *The Falmouth Company*, 114 NLRB 896; *James Lees and Sons Company*, 130 NLRB 290.

[19] In Derry's earlier speech to employees (app. A), the words "persuasion or" preceded "a strike."

[20] *See Plochman and Harrison-Cherry Lane Foods, Inc.*, 140 NLRB No. 11.

cian in which an attempt was made to extract a promise that the employee would vote against the union, and a visit by two Orangeburg policemen to the home of another employee during which working conditions at the plant, the merits of unionization and the possibility of the plant moving out of the area were discussed.

The "Report on Objections" was also accompanied by texts of newspaper editorials, advertisements, texts of letters sent employees by Utica management and speeches made to them by management representatives at the plant and a schedule of radio spot announcements, including the script of a short talk made by John David Brown, a farmer, as a newscast.

It also noted a visit by Orangeburg's Mayor S. Clyde Fair to an employee's home, at which another employee was present, during which he said that he "hoped they would vote the right way." It quoted the mayor as saying that he admitted visiting several of the employees.

Johnston, in his report, also came to the conclusion that "an election serves its purpose only if it affords an opportunity for the employees to register a free and untrammeled choice of a bargaining representative.

"While it is true that much of the conduct described above (in the report) was not attributable to the employer, nonetheless, if the character of such other conduct coupled with the employer's actions, is so aggravated as to create a general atmosphere of fear of economic reprisals, a free expression of choice of a bargaining representative is impossible."

The NLRB official also said of letters to the employees, statements in the Times and Democrat by Mayor Fair, editorials in the newspaper and spot announcements over radio that "in the opinion of the undersigned, these statements tended to instill in the minds of employees the fear that selection of the union would cause Orangeburg to become a distressed area, would cause the employer to move and would deprive employees of job opportunities with other companies who would not then locate in the area."

In evaluating the evidence in its entirety, Johnston wrote that he "is of the opinion that the barrage of propaganda issued by the employer and others in the community, including the newspaper editorials and radio broadcasts, generated a fear of economic loss and complete futility in selecting the union as a bargaining representative, thus destroying the laboratory conditions deemed necessary in the conduct of board elections and prevented a free choice by the employee."

[From the Orangeburg (S.C.) Times and Democrat, July 13, 1963]

WE AFFIRM OUR STAND

In a recommendation that an election at the Utica-Herbrand Tool Division's plant in which the International Association of Machinists (AFL–CIO), was rejected 245 to 171, as a bargaining agent be set aside, Reed Johnston, director of region 11 of the National Labor Relations Board, has attacked freedom of speech and the press and is insulting the intelligence of the Utica voters.

Johnston bases his recommendation on three objections made by the union, discarding three others as of having little effect on the balloting.

Two of those objections begin with the words: "Allowing and encouraging." In one case, Utica management is charged with "allowing and encouraging" influential people in the community to conduct a reign of terror immediately preceding the election. In the other, management is accused of "allowing and encouraging" the Times and Democrat to make statements and write editorials that prevented a free vote by creating confusion and fear of reprisals among employees.

The "reign of terror" was conducted, according to union charges in Johnston's report, by "interested citizens of Orangeburg" who "threatened, coerced, and intimidated the employees through newspaper ads, house calls, handbills, and radio."

The Times and Democrat believes that the "interested citizens of Orangeburg" have the God-given and constitutionally supported right at any time to express their opinions vocally, by the written word in print, or over the air.

The Times and Democrat, further, believes that the "interested citizens of Orangeburg," whether in newspaper ads, radio announcements, handbills, or by word of mouth expressed their convictions for the best interest of Orangeburg, Orangeburg County, the citizens—and the employees at Utica.

The Times and Democrat believes that in presenting news stories regarding the labor negotiations at Utica in its news columns did so truthfully, fearlessly, and objectively.

As to its editorial utterances, the Times and Democrat arrived at its own conclusions in expressing the editorial thought of the newspaper. It categorically denies that at any time conferences were held either with union or management representatives and affirms that its editorial opinions were expressed only after conferences within the newspaper management and staff.

The Times and Democrat believes that in its editorial stand it protected the interests of Orangeburg, Orangeburg County, its readers—and the employees at Utica.

John N. Sheridan, IAM representative in Orangeburg, said Friday that before a second election is held, should the NLRB so order, "some of the townspeople" must "restrain themselves."

We cannot speak for the "interested citizens of Orangeburg," but Sheridan and his cohorts can be assured that the "two-bit newspaper" he has often referred to will stand firm in its right to print any story it deems newsworthy, and to voice any editorial opinion it believes in the best interest of this area.

It also reaffirms the stand taken in previous editorials that the International Association of Machinists is not wanted in this community, that it is not needed in this community, that its presence at Utica would not be in the best interests of its employees, and that if voted in, it would be a stumbling block in the economic—and social—progress of Orangeburg County.

Finally, the Times and Democrat's voice will not be stifled by any labor union or its leaders, nor by such Federal bureaucracy in Washington as the National Labor Relations Board, an agency formed by Congress to maintain peace between management and labor—not to stir up dissension.

[From the Orangeburg (S.C.) Times and Democrat, July 14, 1963]

LABORATORY CONDITIONS—FOR WHAT?

What are the laboratory conditions Reed Johnston, director of region 11 of the National Labor Relations Board demands before employees at the Utica-Herbrand tool division's plant near Orangeburg can express a free choice in determining whether the International Association of Machinists, AFL–CIO, should represent them as a bargaining agent?

Normally, one would think that laboratory conditions mean pure, wholesome, and sterile conditions, without dirt or any foreign matter. Perhaps that is what Johnston had in mind when he made his report on objections (by the union) in which he recommended to the NLRB in Washington that the May 13 election at the Utica plant be set aside and another election set.

Apparently Johnston, as a thoroughly unbiased, fair, and impartial referee, believes that the citizens of Orangeburg, and the area, the newspapers, the radio stations, and others should ignore the fact that union representatives (foreign) seek to unionize an industry which has already left one locality because of labor pressures.

Apparently Johnston believes that the citizens of Orangeburg should lie supine to be run over when labor puts its machine into motion; that labor agitators should visit the homes of Utica employees and hold out false promises they cannot fulfill while interested citizens of Orangeburg shut their mouths and hold their peace.

Apparently Johnston believes that the Times and Democrat, as a newspaper, should express no editorial opinions, should not present the truth so that its readers might be informed, should not do everything in its power to keep out of the Orangeburg area an organization that Utica employees, by their vote, have already shown is not needed.

We have only a copy of Reed Johnston's "Report on Objections" as a basis for our belief that what the NLRB wants, what the union wants, are "laboratory conditions" that means that everyone else should shut up and that all, primarily the employees at Utica, should listen to the mighty voice of labor.

In that report, Johnston cites only the union's side. He tells of the advertisements by interested citizens of Orangeburg, editorials in the Times and Democrat, spot announcements over the city's radio stations, handbills, a newscast by a farmer he identified as John David Brown, but who, in reality, is John David Bates. Because of that, he supports the union's charge that a reign of terror existed in Orangeburg just prior to the Utica election. How stupid can he get? Lt. Morrison Whetstone of the Orangeburg Police Department, speaking in the absence of Chief C. Harold Hall, knows nothing of a reign of terror. A reign of terror was also news to Sheriff R. F. (Bob) Dukes who, when questioned, said that everything was so quiet and orderly at Utica the day of the election that he did not even believe it necessary to send a deputy as an observer.

What Reed Johnston has failed to include in his report is the fact that union organizers freely visited Utica employees in their homes to "sell" their union to them. He did not tell of the many parties given at which the union attempted to win over Utica employees. He did not send along with his report and copies of letters sent by the union to Utica employees nor copies of talks made to them at the high and handsome parties.

The Times and Democrat hopes that there will never be laboratory conditions in Orangeburg suitable to the union and the NLRB. Their laboratory conditions infer sterile conditions—but sterile only so far as the people of Orangeburg are concerned. From our viewpoint, the germs of unionism would soon destroy that. But the NLRB's regional official can't see that. He is thoroughly unbiased, fair, and impartial—to labor.

Mr. THURMOND. Mr. President, the recommendation to set aside the representation election for the Utica plant in Orangeburg is by no means the only example of the arbitrary actions of the NLRB which are happening with almost monotonous frequency, particularly in the Southern States. Another such occurrence was a recommendation by the trial examiner of the NLRB that a representation election at the Daniel Construction Co. of Greenville, S.C., held in November 1961, be set aside. I ask unanimous consent that a report of this recommendation entitled "NLRB Finds

Daniel Influenced Voting," which appears in the July 20 edition of the Greenville News, of Greenville, S.C., be printed in the RECORD at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From the Greenville News, July 20, 1963]

ORDERS REJECTION OF UNION BE NULLIFIED—NLRB FINDS DANIEL INFLUENCED VOTING

A National Labor Relations Board trial examiner has ruled Daniel Construction Co. of Greenville guilty of unfair labor practices and recommended that the results of a November 1961 union election—won by the company—be set aside.

This was confirmed last night by Buck Mickel, executive vice president and general manager.

Charles E. Daniel, a former U.S. Senator and chairman of the huge construction company, which has offices in the Carolinas, Virginia, Alabama, Georgia, and Florida, was out of town and could not be reached for comment.

"We are appalled at the prejudice of the NLRB but of course, we did not expect better treatment," Mr. Mickel commented and added that the company attorneys have been instructed to take whatever steps are necessary to begin fighting the decision in the courts.

In November 1961, Daniel gave the union, the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, AFL–CIO, a walloping defeat in a southeasternwide election at all Daniel construction sites.

MAINTAINED VOTE

In the election, 520 Daniel mechanical employees voted against representation by the union and 174 voted for the union. The union and the company challenged a total of 641 ballots. In subsequent checking of these ballots Daniel maintained its overwhelming vote.

The union filed charges of unfair labor practices by Daniel following the election and these included: (1) that Daniel officials tended to influence workers by threats of loss of work and hinted promises of benefits if they voted against the union; (2) that company foremen were advised to poll workers and determine their views and union sympathies and to question them about the union; (3) that supervisors made threats and promises to the workers.

Hearings on the charges were held in Kingsport, Tenn., April 22–24, and in Greenville May 7–10.

George J. Bott was the NLRB trial examiner who reviewed the election and his report has now been turned over to the full board.

Mr. Bott notes that the case be remanded to the director of the 11th region to conduct a new election such time as he deems the circumstances "permit the free choice of a bargaining representative."

"We, of course, expected this after we saw the highly prejudiced NLRB officer who was sent down here," Mr. Mickel said last night concerning the new finding. "It was obvious he had been conditioned to rule against us. We were given a biased hearing as far as he was concerned."

INTEND TO FIGHT

"We fully intend to fight this in the courts and our attorneys have been so instructed. We have notified our men of this abominable ruling. We are not going to take this lying down and we fully intend to fight for our rights," Mr. Mickel said.

He added that in his opinion the ruling is simply an effort on the part of the NLRB "to save face for the union" which smarted under the lopsided defeat.

"Even in the election, which was so obviously stacked in favor of the union, our mechanical workers handed the union a tremendous slap in the face," the company official noted.

"During the election our people were under terrific pressure by the union but they stood up to the test and cast their ballots as free-thinking and hardworking men. We are gratified that these fine people who work for us showed that courage. Our responsibility to them is quite clear. We shall fight to have their rejection of the union recorded fully and completely and thus bring an end to this harassment by the union and by the NLRB."

For the election, the NLRB ruled that any person who had been employed by Daniel for as little as 45 days within the 2 years prior to the 1961 election, was eligible to vote.

The Daniel firm has 20 days in which to file exception to the decision of Mr. Bott. If the firm does so, as it has been indicated it will do, the entire NLRB will consider the matter. If the company fails to file, the recommended order will be adopted automatically. The decision can also be appealed in Federal court.

The examiner's order also instructed the company not to interfere with union organizing activities and to post notices for 60 days at all job sites that it is complying with the NLRB order.

In his report, Examiner Bott upheld the union and ordered the Daniel firm to refrain from: questioning employees on their union views, instructing supervisors to do so, threatening reprisals for union activities, promising benefits for voting against the union, or otherwise interfering with the free choice of employees.

Mr. THURMOND. The public is becoming increasingly incensed at the fact that every time a union loses a representation election, it is set aside by the National Labor Relations Board. There is strong evidence that the Board is attempting to curb the right of free speech. Resentment at the conduct of the NLRB is reflected in an ably written and well documented editorial in the Spartanburg Herald on July 19, entitled "Zany NLRB Excesses Need To Be Braked." I ask unanimous consent that this editorial be printed in the RECORD at this point in my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Spartanburg (S.C.) Herald, July 19, 1963]

ZANY NLRB EXCESSES NEED TO BE BRAKED

South Carolina is not the exclusive target of union-organizing pressure of the National Labor Relations Board, though it sometimes seems to be so.

Representative PHIL LANDRUM, of Georgia, made an important speech before Congress on the activities of the NLRB. He is coauthor of the Landrum-Griffin legislation which limits big labor abuses.

The Congressman declared that the Federal agency is tinkering with the right of free speech. His charge is well placed.

Landrum cited two cases to prove his point. In one, the Board threw out an election which the union lost on the basis of a letter the company management wrote to employees. The letter simply pointed out to employees that their wages and other benefits were already better than those of unionized workers in the same area.

In the other situation, the firm told workers that jobs would be eliminated if union demands forced it to turn to new methods of production. It added that insistence on high demands would mean that "we would have no choice but to resist. In turn, they (union) would have no choice but to either agree or force you out on strike."

This was straight talk. There was no suggestion that anything said was either illegal or untrue. Workers need to know, and they have the right to know, the facts about unionization pro and con.

The NLRB is bent on seeing that they get only the union propaganda. Representative LANDRUM said, "The restrictions imposed by the Board as to what employees may hear from their employers are in sharp contrast with the wide latitude accorded union officials."

Workers are denied access to facts necessary to an informed and intelligent decision, he added.

Since he spoke, this oppression of free expression has been extended. An NLRB regional director has endorsed a union argument that an election in an Orangeburg plant ought to be nullified (the union lost).

This time, the NLRB man said it was bad for "influential citizens" and the newspaper to express their views on the issue.

The bill of particulars against the NLRB in South Carolina is startling. Just over the past couple of years, these examples have occurred:

(1) A Ware Shoals apparel plant was ordered to move back to Pennsylvania, or else pay moving expenses for all workers who wished to move to Ware Shoals. The NLRB admitted that the firm could not operate profitably in the northern State because of union demands.

(2) When Daniel Construction Co. had an election, the board ruled that any person who had worked for the company within the previous 3 years could vote. Many of these absentee voters were in distant States, union members with other firms. The union lost that one, anyway.

(3) More recently in a Spartanburg case, the Board rejected a petition signed by more than 90 percent of P. Garvan Co. employees asking for an election to decertify their union.

The Orangeburg deal takes the prize, however.

Something has got to be done to put a brake on the zany excesses of a Board which is meant to be the protector of individual rights, and not their oppressor.

Mr. THURMOND. Mr. President, it is beginning to appear that the labor reform bill, known as the Landrum-Griffin Act, passed by the Congress only a short while ago, was not sufficient. If the trend of NLRB decisions continues, Congress will surely have to enter once more into the field and enact a National Labor Relations Board reform bill. If Congress finds, of course, that the National Labor Relations Board is beyond reformation, perhaps it would be better to abolish it altogether.

THE EQUAL EMPLOYMENT OPPORTUNITY ACT

Mr. HUMPHREY. Mr. President, I introduce for appropriate reference a bill to promote equal employment opportunity by securing equal treatment in the various incidents of employment and to establish an Equal Employment Opportunity Administration in the Department of Labor.

This bill is introduced on behalf of myself and the following distinguished Senators: Senators CLARK, CASE, HART, DOUGLAS, RANDOLPH, NELSON, RIBICOFF, WILLIAMS of New Jersey, LONG of Missouri, GRUENING, and NEUBERGER.

Earlier today I presented the substance of the bill, including the text of the bill, in testimony before the Senate Subcommittee on Manpower of the Senate Committee on Labor and Public Welfare. In my testimony, I described the provisions of the bill, and I was given an opportunity by the distinguished chairman of the committee, the Senator from Pennsylvania [Mr. CLARK] and the subcommittee members to answer inquiries and questions relating to the purpose and intent of the measure.

Mr. President, the Nation remains gripped by the historic effort to remove racial segregation and discrimination from all segments of this Nation's life and to open the door of freedom and opportunity to every American whatever his race, color, or creed. We have received President Kennedy's courageous civil rights program. Each of the proposals contained in the President's omnibus bill is absolutely essential and I intend to devote every ounce of strength and determination I possess to achieving their passage by the Senate.

The civil rights crisis has also provided fresh evidence, if more was needed, of the bitter frustration and hopelessness that exists among minority groups in our society, principally Negroes, over continuing job discrimination and inequality. Long after the "white only" and "colored only" signs have been taken down, and other superficial symbols of racial discrimination and intolerance have disappeared, the basic facts of job discrimination and inequality will still exist unless a nationwide program of equal employment opportunity is initiated to remove such barriers. Until we achieve equality of opportunity in such fundamental activities of life as voting, earning a living, buying a home, and going to school, we cannot claim to have made the promises of American democracy a living reality. Just as we have begun to attack discrimination in voting and education, we cannot now delay the equally vital and difficult task of achieving equality in the realm of job and employment opportunities.

Why the urgency of this task? Let me state the facts as boldly and as bluntly as possible: the Negro American is the principal victim of a vastly complex system of self-perpetuating practices, traditions, and processes that has denied him true parity in the national job market. He has consistently and effectively been kept from participating fully in the job opportunities developed by the American free enterprise system.

PRESIDENT'S MANPOWER REPORT

The "Manpower Report of the President" transmitted to Congress in March 1963, forcefully demonstrated the plight of nonwhite workers in the job market that operates today and will operate tomorrow unless remedial action is undertaken soon. Since World War II this Nation has experienced a second industrial revolution, a revolution so far-reaching in its impact that the very nature of the basic employment patterns in the United States have been changed permanently. By 1956, for example, more people were in service occupations than in goods-producing jobs for the first time in our history. Last year the number of persons producing goods had declined even further to only 42 percent. As a result of this trend there are today almost 10 million more white collar workers than there were 15 years ago. But there are also 600,000 fewer production jobs. Today, there are only 5 million farmers engaged in producing food and fiber for 185 million Americans; just 15 years ago the number exceeded 8 million. Mr. President, I ask unanimous consent that a table showing these changes in the distribution of employment be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Employment in industry divisions, 1947–62

Industry division	Employment (in thousands)			Average annual employment change			
				1947–57		1957–62	
	1947	1957	1962 [1]	Number (in thousands)	Percent	Number (in thousands)	Percent
Total agricultural employment [2]	8,256	6,222	5,190	−203	−2.8	−206	−3.6
Total nonfarm industries (wage and salary employment only) [3]	43,881	52,904	55,325	902	1.9	484	0.9
Manufacturing	15,545	17,174	16,750	163	1.0	−85	−.5
Durable goods	8,385	9,856	9,443	147	1.6	−83	−.8
Nondurable goods	7,159	7,319	7,308	16	.2	−2	(4)
Mining	955	828	647	−13	−1.4	−36	−4.8
Contract construction	1,982	2,923	2,696	94	4.0	−45	−1.6
Transportation and public utilities	4,166	4,241	3,925	8	.2	−63	−1.5
Trade	8,955	10,886	11,571	193	2.0	137	1.2
Finance, insurance, and real estate	1,754	2,477	2,793	72	3.5	63	2.4
Services and miscellaneous	5,050	6,749	7,757	170	3.0	202	2.8
Government	5,474	7,626	9,185	215	3.4	312	3.8
Federal	1,892	2,217	2,341	33	1.6	25	1.1
State and local	3,582	5,409	6,844	183	4.2	287	4.8

[1] Preliminary.
[2] Based on the monthly labor force survey of households.
[3] Based on employers' payroll data.
[4] Less than 0.05 percent.

NOTE.—Individual items may not add to totals because of rounding.

Source: Manpower Report of the President, March 1963.

Mr. HUMPHREY. Mr. President, while these dynamic changes were occurring within the past 15 years—while our total work force was increasing by 10 million—our population was growing at an even more rapid rate. While the work force increased by 17 percent, the available work force expanded by 21 percent. Consequently, the unemployment rate slowly but persistently advanced until today there are 5 million unemployed compared to little more than 2.5 million in 1947. Failure to maintain an adequate rate of economic growth has been another major factor contributing to rising unemployment.

The impact of these vast changes on race relations must not be underestimated. Internal changes in the nature of the job market—stimulated by the technological revolution—and steadily increasing unemployment has had far more disastrous consequences for the minority of nonwhite citizens than the white majority. The simple truth is that the Negro worker in relation to his white counterpart has been either falling behind or barely staying even as a result of these developments. For instance, the Negro has fared badly in obtaining his share of the 10 million new white-collar jobs that have been created. Apart from Government jobs, Negroes continue to be either largely excluded due to overt discrimination or are inadequately trained and prepared for such white-collar occupations. In sales, for example, 1 in every 16 white workers is employed as a salesman as compared to 1 in every 64 Negroes. By 1970, jobs in sales will have increased by another million. There is little evidence to suggest that the percentage of Negroes employed as salesmen will increase significantly. While 1 in every 3 employed white women are clericals, only 1 in every 9 Negro women are so employed. Clerical jobs are projected to increase by 3 million by 1970.

Although production jobs were declining by 600,000 during the past 15 years, the number of nonproduction workers was increasing by almost 2 million. And once again Negro workers were falling behind, not gaining. One in every eight white workers is a professional-technical worker as compared to 1 in every 20 Negro workers. One in every seven whites works as a manager as compared to 1 in every 40 Negroes. Jobs in these categories are projected to increase by another 3 million in the next 7 years. Production jobs which provided such impressive economic gains for Negro workers during and after World War II unfortunately have turned out to be the very jobs which have been declining during the past decade. Mr. President, I ask unanimous consent that a table showing percentage distribution of employed persons be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Employed persons, by occupational group and color, 1948 and 1962

[Percent distribution]

Major occupational group	White		Nonwhite	
	1948	1962	1948	1962
Total	100.0	100.0	100.0	100.0
White-collar workers	39.1	47.3	9.0	16.7
Professional and technical	7.2	12.6	2.4	5.3
Managers, officials, and proprietors	11.6	11.9	2.3	2.6
Clerical workers	13.6	15.8	3.3	7.2
Sales workers	6.7	7.0	1.1	1.6
Blue-collar workers	40.5	35.4	39.7	39.5
Craftsmen and foremen	14.6	13.6	5.3	6.0
Operatives	21.0	17.5	20.1	19.9
Nonfarm laborers	4.9	4.3	14.3	13.6
Service workers	7.9	10.6	30.3	32.8
Private household	1.5	2.1	15.6	14.7
All other	6.4	8.5	14.7	18.1
Farmworkers	12.4	6.8	21.0	11.0
Farmers	7.8	4.0	8.5	2.7
Laborers	4.6	2.8	12.5	8.3

Source: Manpower Report of the President, March 1963.

Mr. HUMPHREY. Mr. President, the consequences of this growing disparity between the employment opportunities of white and Negro workers may be seen in its most negative light in the unemployment figures contained in the manpower report. In 1962 the rate of unemployment for white workers averaged 4.9 percent; for nonwhite it averaged 11 percent. In every major category—color, age, sex, and occupational groups—the unemployment rate for nonwhite exceeded that for white workers; sometimes it was three times as great. Mr. President, I ask unanimous consent that a table showing comparative unemployment rates by color, age, sex, and major occupational groups for 1962 be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Unemployment rates, by color, age, sex, and by selected major occupational group, 1962

Characteristics	1962	
	White	Nonwhite
AGE AND SEX		
Total	4.9	11.0
Male	4.6	11.0
14 to 19 years	12.3	20.7
20 to 24 years	8.0	14.6
25 years and over	3.6	9.4
Female	5.5	11.1
14 to 19 years	11.5	28.2
20 to 24 years	7.7	18.2
25 years and over	4.3	4.8
SELECTED MAJOR OCCUPATIONAL GROUP		
Clerical workers	3.8	7.1
Craftsmen and foremen	4.8	9.7
Operatives	6.9	12.0
Nonfarm laborers	11.0	15.8
Private household workers	3.1	7.1
Service workers, except private household	5.3	10.8

Source: Manpower Report of the President.

Mr. HUMPHREY. Mr. President, I have attempted to demonstrate with these figures the dimensions of the challenge that confronts us in terms of making equal employment opportunity a living reality in the national job market. It clearly is not such a reality today.

FEDERAL AND STATE EFFORTS

We must also evaluate the present state of affairs in light of Federal and State action to eliminate job discrimination and inequality. In 1941 President Franklin Roosevelt issued Executive Order No. 8802 banning employment discrimination in war contracts and defense programs; subsequently a Fair Employment Practice Committee was established to implement this policy. New York enacted the first State FEPC law in 1947. As of July 1962, 20 States had enacted enforcible fair employment practices laws covering 60 percent of the U.S. population and 40 percent of the Negro population. Two additional States, Indiana and Iowa, have fair employment practice laws without enforcible provisions.

President Kennedy's Executive Order No. 10925 issued on March 6, 1961, established the President's Committee on Equal Employment Opportunity with broad authority and responsibility to eliminate discrimination in Federal employment and Government-connected work. The order has been recently broadened to include all employment activities supported by Federal grants-in-aid as well as contracts. Under the leadership of the distinguished and able Vice President of the United States—LYNDON B. JOHNSON—the President's Committee has done a thorough and comprehensive job in meeting the challenge of eliminating discrimination and promoting equal employment opportunity. The President has now requested full statutory authority for the Committee in his omnibus civil rights bill. Whatever the fate of this bill or other fair employment practice legislation, I believe it essential to move ahead in establishing the President's Committee by congressional action. This Senator has always maintained that in such areas of critical national importance you should make whatever progress you can whenever you can. A statutory commission as opposed to a President's Committee is a definite forward step in the overall goal of guaranteeing equal employment opportunity in all sectors of the American economy.

A NATIONAL PROBLEM

Nevertheless I believe the facts fully substantiate the position that a comprehensive program to provide equal employment opportunity—particularly in the nongovernmental areas of employment—must be enacted by Congress. The challenge is clearly national in scope. It is not confined to one region of the country. It is not limited to any particular industries or occupations. The total American economy is involved and only the Federal Government possesses the resources and the authority—as contained in the commerce clause of the U.S. Constitution—article I, section 8—that are required to achieve meaningful results. It is this Senator's opinion that we must begin to consider a program of Federal fair employment practices geared to an economy vastly different from the one existing in the late 1940's when the initial State fair employment practice commissions were created.

We must begin to think in terms of establishing a Federal program that will operate simultaneously in two fronts. First, we must be able to insure equal employment opportunity in an economic system where certain types of jobs are suddenly disappearing and other totally new categories of jobs are being created. This is an immensely complex and challenging task in itself. We must be prepared to think in terms of all incidents of employment, hiring, transfer, recruitment, training, promotion, and apprenticeship. In other words, the employment process must be viewed in its totality. We must understand that every aspect of the process has a definite relationship to the existence of equal employment opportunity.

Second, we must continue to fight all forms of job discriminations and restrictions based on race, color, religion, and national origin. Unfortunately in all sections of the country and in almost all occupations, overt racial discrimination is still a standard practice. We have made definite progress and the rate of progress is accelerating. But much remains to be done and we can scarcely afford to postpone our responsibilities much longer.

AUTHORITY TO INITIATE ACTION

According to the traditional approach, emphasis has been placed upon the adjudication of complaints filed by aggrieved individuals. Conciliation between the two parties—employer and applicant, employer and employee, or union and apprentice candidate—has been the primary basis of action. Experience has suggested that the complaint-centered approach is not sufficiently productive in itself and in many instances administrators of State fair employment practice commissions and Federal agencies have increasingly tried to deal with discrimination on an industry or pattern-centered basis.

Few complaints are filed largely because of fear or ignorance. Many complaints that come to official notice are lacking sufficient merit or have been filed too late to reach a satisfactory solution. Those with merit often require formal adjudication to resolve. The number of complaints acted upon by all 22 States and by 10 Federal committees over the past 20 years has not averaged 100 per month. Over the same period, the number of hearings or appeals actually held by all of the State fair employment practice commissions or Federal committees has not averaged 12 per year. Moreover, the process of identifying problems, analyzing specific employment practices or personnel procedures, working out adjustments, is not—in my opinion—a process that is effectively administered or controlled by an independent multimember hearing board. For these reasons, the legislation I introduce today provides for a single administrator with authority to initiate surveys, studies, and investiga-

tions and to issue appropriate remedial orders as well as the more traditional authority of responding to individual complaints of discrimination.

BROADER SCOPE OF RESPONSIBILITY

What will be the scope of the administrator's duties? It has become increasingly evident that many of the problems associated with lack of employment opportunities result from existing practices in the process of public and private employment, practices not directly related to overt discrimination. For example, there are recruiting systems which never locate qualified Negro technicians and typists because Negroes normally do not attend the trade and technical schools on the recruiter's schedule. Whether or not stenography courses are offered in vocational high schools where Negro students are concentrated, whether or not trainees for new jobs are selected only from departments where Negroes have never worked, whether or not promotions are based upon job experience in assignments which Negroes have never held—each of these examples illustrates how broad employment and personnel systems have direct impact upon equal employment opportunities. In short, willful discrimination is often commingled with many impersonal institutional processes which nevertheless determine the availability of jobs for nonwhite employees.

Therefore, this legislation departs from the traditional concept of enforcing nondiscrimination in employment and seeks to establish the broader and more comprehensive obligation of promoting equal employment opportunities. Thus the administrator is charged with the responsibility to see that no person subject to the act denies equality of treatment in employment and all incidents of employment including not only hiring, promotion, transfer and seniority, but also the related areas of recruitment, recruitment advertising, apprenticeship and training opportunities, membership in employee and labor organizations, and equality of access to the various facilities and services of employment agencies. The administrator has the authority to initiate appropriate investigations to insure that persons subject to the act provide full employment opportunity. Whenever he has reason to believe that equality of employment opportunity does not exist, he has the further responsibility to determine whether or not this actually is the case and, if it is, to issue appropriate remedial orders. The administrator is empowered to act on his own initiative and reach findings without lengthy administrative proceedings. However, as explained later, full opportunity is provided for administrative appeal and judicial review.

LOCATED IN THE DEPARTMENT OF LABOR

As I have already indicated, the problem of equal job opportunity is clearly a national problem and a Federal responsibility. Therefore, it is appropriate and desirable that an Equal Employment Opportunity Administration should be located within the Department of Labor. The existing administrative machinery and professional expertise in the Department will be available in achieving the comprehensive objectives of the legislation. The criterion of equal employment opportunity can be coordinated and correlated with the other national employment policies and decisions that come within the purview of the Department.

For instance, the resources of the Federal-State employment services must be brought to bear in the administration of the act. Additional areas of departmental responsibility that relate to equal employment opportunity include the activities of the new Manpower Administration, the new manpower training programs, the regional efforts designed to stimulate additional youth job opportunities, the technical and analytical expertise of the Bureau of Labor Statistics, the inspection skills of the wage-and-hour staff, and the operation of the Farm Labor Services.

In short, the experience of the States and the experience of the Federal Government teaches us that authority for comprehensive, direct, speedy, and flexible administrative action is needed with due and proper provision for appeal and judicial review. My bill creates an independent Equal Employment Opportunity Board to provide for such appeals of orders issued by the Administrator or in the cases where the Administrator fails to uphold the complaint of the allegedly aggrieved individual. This Board would operate in the fashion of an administrative court, concerned solely with reviewing and enforcing decisions of the Administrator, somewhat as the Tax Court reviews and enforces the judgments of the Commissioner of Internal Revenue. The Board would have no policy or operating responsibilities. Provision has been made for the Board to appoint hearing examiners and to delegate to such examiners the authority to issue decisions in the name of the Board. Finally, decisions of the Board can be taken to the appropriate Federal circuit courts for final enforcement.

However, if past experience of State fair employment practice commissions is relevant, the authority of the Administrator to initiate action to correct employment practices that deny equal job opportunities will prove to be a sufficient remedy in most cases. Skillful persuasion and conciliation, backed up by the knowledge that sanctions exist if needed, should achieve a satisfactory resolution of the situation in most instances. In any event, it is clearly not the intention of this legislation simply to transfer the duties of the traditional fair employment practice commission to the Equal Employment Opportunity Board. The burden of implementing the policies of the act will lie entirely with the Administrator and the Equal Employment Opportunity Administration in the Department of Labor.

COMPREHENSIVE COVERAGE

The legislation is comprehensive in coverage. Persons subject to the provisions of the act include any employer engaged in commerce or in operations affecting commerce, or any Government contractor, Federal agency, labor organization and employment agency. The bill does not contain categories of exemptions, such as private employers not doing business with the Government or employers of a certain size or engaged in certain types of activity. Often such exemptions have tended to create invidious and competitive comparisons with those industries and persons covered. The failure to include labor unions, employment agencies, or training programs closely associated with employment has created uncertainties as to responsibility and actual coverage.

Finally, a word about the objectives of the Senator from Minnesota in proposing this legislation. I do this primarily as a means of bringing these relatively new concepts to the attention of the Congress in an appropriate and workable fashion. It is not my intention to displace or hinder existing fair-employment-practice legislation, most of which I have been proud to cosponsor.

This morning I testified before the Subcommittee on Employment and Manpower, Committee on Labor and Public Welfare, on the general principles contained in this legislation. As I indicated to the distinguished and able chairman of that subcommittee, the Senator from Pennsylvania [Mr. CLARK], it is my hope that the concepts contained in this bill will be considered and discussed in the course of the fair-employment-practice hearings. But, of course, I leave to the able chairman and other members of the subcommittee the decision as to whether any of these proposals should be incorporated in whatever legislation is reported by the subcommittee. I am confident that this legislation will receive the usual fair and comprehensive examination by the subcommittee in the course of its hearings on this critical issue.

President Kennedy specifically urged the Congress in his recent civil rights message to enact fair employment practices legislation. I hope we are sufficiently aware of the nature of the civil rights crisis to heed the President's wise counsel. There is an urgent need to guarantee every American the opportunity to hold a job when he possesses the requisite training and experience. He also has the right to expect an equal opportunity to acquire training and experience that will qualify him for personally and economically satisfying work. No one seeks charity for any group or segment in our society. We only seek an equal opportunity for each person to live and work as a participating member of society, meeting his personal and social responsibilities and obligations, and functioning as a contributing member of our democratic system.

We ask nothing more than this and we can accept nothing less. True equality of employment opportunity is essential to the realization of this goal.

Mr. President, I ask unanimous consent that a summary of the bill's principal provisions and the full text of the bill, together with an editorial entitled "Job Equality," be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill summary, and editorial will be printed in the RECORD.

The bill (S. 1937) to promote equal employment opportunity by securing

equal treatment in the various incidents of employment, to establish an Equal Employment Opportunity Administration in the Department of Labor, and for other purposes, introduced by Mr. HUMPHREY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Equal Employment Opportunity Act".

FINDINGS AND DECLARATIONS OF POLICY

SEC. 2. The Congress hereby finds that discrimination in employment against qualified persons because of their race, color, religion, or national origin has been practiced and continues to be practiced in the United States in a manner which restricts the fair and equal opportunity of such persons to earn their livelihood commensurate with their talent and ability. The Congress also finds that this inequality of employment opportunity forces such persons into substandard conditions of living, foments industrial strife and domestic unrest, deprives the United States of the fullest utilization of its capacities, and adversely affects the domestic and foreign commerce of the United States. Accordingly, it is in the national interest that equality of employment opportunity be secured in commerce and in activities affecting commerce.

The Congress further finds that because of the accumulated impact of prior discrimination and related disadvantages in employment, education, housing, and other areas, a nationwide effort is required to secure equal employment opportunity by the affirmative and conscious efforts of government, employers, unions, and others. Efforts to equalize disparities in employment opportunity should include all of the incidents and conditions of employment opportunity, including not only hiring, promotion, transfer, and seniority, but also recruitment and recruitment advertising, apprenticeship and other job training programs, access to all employment facilities and services, participation in employee organizations, and other incidents of employment opportunity necessary to the achievement of equality as an existing reality in the operation of the national job market.

The Congress further finds that due to the scope, size, and complexity of the national job market it is desirable and appropriate to establish an Equal Employment Opportunity Administration in the Department of Labor so that the administrative resources and professional expertise of the Department may be used in implementing the policies of this Act.

DEFINITIONS

SEC. 3. As used in the Act—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and any organized group of persons.

(b) The term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the possessions of the United States, and (except as used in subsection (c) of this section) any political subdivision of any of the foregoing.

(c) The term "commerce" means trade, traffic, commerce, transportation, or communication between two or more States; between any State and any place outside thereof; between points in the same State but through any point outside thereof; or within the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States.

(d) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce.

(e) The term "person subject to this Act" means any employer, government contractor, Federal agency, labor organization, and employment agency.

(f) The term "employer" means any person who—

(1) is engaged in commerce or in operations affecting commerce, or is acting, directly or indirectly, in the interest of a person so engaged, and

(2) has one or more individuals in his employ, or has had one or more individuals in his employ while so engaged or acting.

(g) The term "government contractor" means—

(1) any person who is carrying out a contract entered into by him with the United States or with any Federal agency.

(2) any person who is carrying out a subcontract for the execution of any part of a contract described in paragraph (1) or of any part of a subcontract described in this paragraph, and

(3) any person who is furnishing services, supplies, or materials, or constructing or repairing any property, under any program part or all of the funds for which are granted by the United States.

(h) The term "Federal agency" means any department, agency, or instrumentality of the executive branch of the Government of the United States, and any independent agency or instrumentality of the Government of the United States.

(i) The term "labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(j) The term "employment agency" means any State employment agency financed or operated in whole or in part from public funds, and any private employment agency engaged in commerce or supplying workers for an employer.

EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

SEC. 4. (a) No person subject to this Act shall refuse or deny equal employment opportunity to any individual because of race, color, religion, or national origin. Such refusal or denial shall include any act or practice which, because of an individual's race, color, religion, or national origin, results or tends to result in material disadvantage or impediment to any individual in obtaining employment or the incidents of employment for which he is otherwise qualified.

(b) Equal employment opportunity shall include all the compensations, terms, conditions, and privileges of employment including but not restricted to: hiring, promotion, transfer, and seniority; recruitment advertising and methods of recruitment; referrals for employment; apprenticeship training and other educational opportunity for or in employment; equality of access to facilities and services provided in employment; and equality of participation and membership in employee organizations and labor organizations.

(c) The Equal Employment Opportunity Administrator shall from time to time promulgate regulations and requirements reasonable and necessary to implement the policies of this Act. Such regulations and requirements may include provisions for affirmative action to be taken by persons subject to this Act in compliance with the provisions of subsections (a) and (b) to promote equal employment opportunity which has been denied to any individual because of race, color, religion, or national origin.

EQUAL EMPLOYMENT OPPORTUNITY ADMINISTRATION

SEC. 5. (a) There is hereby established within the Department of Labor an Equal Employment Opportunity Administration which shall be headed by an Equal Employment Opportunity Administrator (hereinafter referred to as the "Administrator"). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate provided by law for Assistant Secretaries of Labor.

(b) The Administrator shall carry out the duties and functions imposed on him under this Act under the direction and supervision of the Secretary of Labor. In carrying out such duties and functions, the Administrator shall, to the extent feasible, utilize the existing bureaus, divisions, and facilities of the Department of Labor.

(c) The Administrator is authorized, subject to the civil service laws and regulations and the Classification Act of 1949, to appoint and fix the compensation of such officers and employees as may be necessary to enable him to carry out his duties and functions under this Act. Attorneys appointed under this section may appear for and represent the Administrator in any litigation.

(d) The Administrator is authorized and directed to take such action as may be necessary to provide protection within Federal agencies to insure equal employment opportunities for Federal employees in accordance with the provisions of section 4 and the regulations and requirements promulgated thereunder.

(e) The Administrator is authorized to gather data regarding the practices of any person subject to this Act and to enter and inspect such places and such records (and make transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as is necessary to determine whether any person subject to this Act is violating or has violated the provisions of section 4 or the regulations or requirements promulgated thereunder, or as may aid in the enforcement of this Act.

(f) With the consent and cooperation of State agencies engaged in furthering equal employment opportunity, the Administrator is authorized, in carrying out his duties and functions under this Act, to utilize the services of such State agencies and their employees and, notwithstanding any other provision of law, may reimburse such State agencies and their employees for services rendered in assisting the Administrator to carry out his duties and functions under this Act.

(g) In carrying out his duties and functions under this Act, the Administrator is authorized to secure the assistance and support of all Federal agencies.

ENFORCEMENT BY ADMINISTRATOR

SEC. 6. (a) It shall be the duty and function of the Administrator to require all persons subject to this Act to comply with the provisions of section 4. In order to prevent violations of section 4 or the regulations or requirements promulgated thereunder, or whenever the Administrator has cause to believe that any persons subject to this Act are violating or have violated such provisions, regulations, or requirements, the Administrator shall initiate appropriate investigation thereof and shall take appropriate measures to correct such violations, including the issuance of orders pursuant to subsection (c).

(b) The Administrator may receive written complaints by any individual or individuals aggrieved that such a violation is occurring or has occurred, but no complaint shall be a prerequisite to his investigating any such violation which may come to his attention by any appropriate means, including inspections regularly made under his authority

to assure general compliance with the provisions of section 4 and the regulations and requirements promulgated thereunder.

(c) If as a result of an investigation conducted under this section the Administrator determines that any person subject to this Act is violating or has violated the provisions of section 4 or the regulations and requirements promulgated thereunder, he shall attempt through persuasion and conciliation to bring such person into compliance with such provisions. If such attempts are not successful in bringing such person into compliance, he shall issue appropriate remedial orders, including cease and desist orders, orders of back pay to individuals injured by the violation, and orders disqualifying such person from award of contracts and privileges by the United States or any Federal agency. In the case of an investigation initiated pursuant to a written complaint, if the Administrator determines that there is and has been no violation of section 4 or the regulations and requirements promulgated thereunder, he shall issue an order to that effect.

(d) Any person subject to this Act against whom an order is issued under subsection (c), and any individual who submits a written complaint to the Administrator with respect to which the Administrator issues an order finding no violation of section 4 or the regulations and requirements promulgated thereunder, shall be entitled to appeal such order, within 30 days from notice of issuance thereof, to the Equal Employment Opportunity Board.

(e) If no appeal is taken to the Equal Employment Opportunity Board from an order issued under subsection (c) against a person subject to this Act within the time prescribed by subsection (d), and if the person against whom such order is issued fails or refuses to comply with such order, the Administrator may apply to the Board for enforcement of such order.

EQUAL EMPLOYMENT OPPORTUNITY BOARD

SEC. 7. (a) There is hereby established, as an independent agency in the executive branch of the Government, an Equal Employment Opportunity Board (hereinafter referred to as the "Board"). The Board shall be composed of five members appointed by the President by and with the advice and consent of the Senate. One of the members first appointed shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Any member of the Board may be removed by the President for neglect of duty or malfeasance in office, but for no other cause.

(b) The President shall designate one of the members to serve as Chairman of the Board.

(c) Three members of the Board shall constitute a quorum. A vacancy on the Board shall not impair to the right of the remaining members to exercise all of the powers of the Board.

(d) The Board shall have an official seal which shall be judicially noticed.

(e) Each member of the Board, other than the chairman, shall receive compensation at the rate of $20,000 per year. The chairman shall receive compensation at the rate of $20,500 per year. Each member shall be eligible for reappointment and shall not engage in any other business, vocation, or employment.

(f) The Board shall appoint such attorneys, hearing examiners, and other employees as it may from time to time find necessary for the proper performance of its functions. The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

(g) All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any employee it designates for that purpose.

(h) The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place.

(i) The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out its duties and functions under this Act.

(j) The Board shall at the close of each fiscal year make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees of the Board, and an account of all moneys it has disbursed.

DETERMINATION OF CASES BY THE BOARD

SEC. 8. (a) It shall be the duty and function of the Board to hear and determine appeals taken pursuant to section 6(d) from orders of the Administrator issued under section 6(c), and to hear and determine applications made pursuant to section 6(e) for enforcement of such orders. The Board shall have the power to issue orders affirming, affirming in part, modifying, or reversing orders of the Administrator issued under section 6(c).

(b) The Board shall hear each case de novo. Each party in any case shall have the right to present evidence and to examine and cross examine witnesses. All testimony shall be taken under oath. Any member of the Board, or any hearing examiner designated by it under subsection (e) acting for the Board, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any case before the Board. Such attendance of witnesses and the production of such evidence may be required, from any place in the United States, the Commonwealth of Puerto Rico, or any possession, at any designated place of hearing.

(c) In case of contumacy or refusal to obey a subpena issued to any person under this section, any district court within the jurisdiction of which the proceeding is being carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Administrator shall have jurisdiction to issue to such person an order requiring him to appear before the Board, there to produce evidence if so ordered, or there to give testimony relating to the proceeding.

(d) The Board is authorized to designate a division of the Board, a member of the Board, or a hearing examiner appointed by it under section 7(f) to hear and determine any case before the Board, including cases remanded for the taking of additional evidence under section 9(f). Whenever any such designation is made, the Board shall retain a discretionary right to review the action of the designated division, member, or hearing examiner, upon its own initiative or upon petition of any party in such case, within such time and in such manner as the Board shall prescribe by rules or regulations. The vote of a majority of the members of the Board less one member thereof shall be sufficient to bring any such case before the Board for review. If the Board declines to review any such case, or if no review is sought within the time prescribed by the rules or regulations of the Board, then the action of the division of the Board, the member of the Board, or the hearing examiner shall, for all purposes, be considered to be the action of the Board.

(e) Any member of the Board, or any hearing examiner or other employee designated by the Board for such purposes, may administer oaths.

(f) Orders and other process and papers of the Board may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(g) All process of any court to which application is made under this section may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(h) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

JUDICIAL REVIEW AND ENFORCEMENT OF ORDERS OF THE BOARD

SEC. 9. (a) The Administrator or any person subject to this Act who is aggrieved by an order of the Board issued under section 8 may obtain a review of such order in the United States court of appeals for the judicial circuit in which the violation of section 4 or the regulations and requirement promulgated thereunder was alleged to have occurred, or in which such person resides or transacts business, or in the Court of Appeals for the District of Columbia, by filing in such court a written petition praying that the order of the Board be modified or set aside. If such petition is not filed by the Administrator, a copy thereof shall forthwith be served upon him. The Administrator shall certify and file in the court a transcript of the entire record in the proceeding before the Board, including the testimony and other evidence upon which the order of the Board was entered and the findings and order of the Board.

(b) The Administrator shall have power to petition the United States court of appeals for the judicial circuit in which the violation of section 4 or the regulations and requirements promulgated thereunder occurred, or in which the respondent resides or transacts business, for the enforcement of an order of the Board issued under section 8 and for appropriate temporary relief or restraining order. The Administrator shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding before the Board, including the testimony and other evidence upon which the order of the Board was entered and the findings and order of the Board.

(c) Upon the filing of a petition under subsection (a) or (b), the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act. The court shall cause notice thereof to be served upon the respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as

it deems just and proper and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board.

(d) No objection that has not been urged before the Board shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(e) The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

(f) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, the court may order such additional evidence to be taken before the Board and to be made a part of the transcript.

(g) The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order.

(h) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28 of the United States Code.

(i) The commencement of proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

TEMPORARY ENFORCEMENT OF ADMINISTRATOR'S ORDERS PENDING DECISIONS BY THE BOARD

SEC. 10. In any case in which an order of the Administrator against a person subject to this Act is appealed to the Board under section 8, or in which application for enforcement of an order of the Administrator is made under such section, the Administrator may apply to any district court for the district in which the violation of section 4 or the regulations and requirements promulgated thereunder was alleged to have occurred, or in which the person subject to this Act against whom such order was issued resides or transacts business, for a restraining order, temporary injunction, or other temporary relief for the enforcement of such order pending the decision of the Board. The district court to which such application is made shall have jurisdiction, in conformity with the Federal Rules of Civil Procedure, to grant such restraining order, temporary injunction, or other temporary relief as it deems just and proper to prevent irreparable injury to rights protected by this Act.

MISCELLANEOUS PROVISIONS APPLICABLE TO JUDICIAL PROCEEDINGS

SEC. 11. (a) When granting appropriate temporary relief or a restraining order under sections 9 and 10, or when making and entering a decree or order enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the Board under section 9, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115).

(b) Petitions filed under section 9, and applications filed under sections 8(c) and 10, shall be heard expeditiously.

VETERANS' PREFERENCE LAWS

SEC. 12. Nothing contined in this Act shall be construed to repeal or modify any law of the United States or of any State creating special rights or preference for veterans.

EFFECT ON STATE LAWS

SEC. 13. Nothing contained in this Act shall be construed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future laws of any State, other than any such law which purports to require or permit the doing of any act which is a violation of section 4 of this Act or of the regulations and requirements promulgated thereunder.

SEPARABILITY

SEC. 14. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 16. (a) Except as provided in subsection (b), this Act shall take effect on the date of its enactment.

(b) The provisions of sections 4 (and the regulations and requirements promulgated thereunder by the Administrator), 6, 8, 9, and 10 shall take effect six months after the date of the enactment of this Act.

(c) The President shall, as soon as feasible after the enactment of this Act, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this Act to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this Act when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, Government contractors, Federal agencies, labor organizations, and employment agencies which are subject to this Act.

The summary and editorial presented by Mr. HUMPHREY are as follows:

EQUAL EMPLOYMENT OPPORTUNITY ACT PROPOSED BY SENATOR HUBERT H. HUMPHREY

SUMMARY OF PRINCIPAL PROVISIONS

1. Standard of equal employment opportunity: The legislation seeks to establish equal employment opportunity as the principal standard to be enforced as distinct from the more traditional and less comprehensive standard of fair employment practices. No person subject to the act may refuse or deny equal employment opportunity to another individual because of race, color, religion, or national origin. Equality of employment is meant to include actual parity of access to employment in all its incidents. In including as elements of equal employment opportunity the vital incidents of employment such as advertising, recruitment, training, and promotion, the legislation goes beyond former FEP proposals. It has been found that certain employers who claim they have not rejected a Negro or other minority worker from employment have, in fact, carried on personnel practices and procedures which nevertheless have prevented Negroes even from applying for certain positions or have created other barriers and impediments to equal employment opportunity.

Persons subject to the act would be in violation not only if they overtly discriminated against Negro job applicants but also if their employment practices in collateral areas of employment opportunity denied equality of treatment to persons due to race, color, religion, or national origin.

This broader standard stems from the fact that the combination of vast technological advances in industry and agriculture and consistently rising unemployment among minority groups creates an employment situation significantly different from the one which existed when the initial FEP proposals were formulated in the late 1940's.

2. Administrator with authority to initiate: The legislation empowers a single administrator to promulgate regulations, initiate investigations, make findings, and issue orders in implementing the policies of this act. Total reliance on a hit-or-miss complaints procedure has been a significant weakness in State FEPC programs and this bill seeks to rectify this situation. The administrator also has authority to receive written complaints from allegedly aggrieved parties but such complaints are not a prerequisite for affirmative action by the administrator.

3. Equal Employment Opportunity Administration in Department of Labor: In order to sustain an equal employment opportunity program of national scope and impact, an Equal Employment Opportunity Administration is located within the Department of Labor. Headed by an administrator, this administration is empowered to use the existing Administrative resources and professional expertise of the Department in implementing the policies of the act. The administrator is further authorized to take such action as may be necessary to provide protection within Federal agencies to insure equal employment opportunities for Federal employees.

4. Equal Employment Opportunity Board: An independent Equal Employment Opportunity Board is created to hear appeals from decisions of the administrator and from individuals whose complaints have not been upheld by the administrator. The administrator is also authorized to apply to the Board for enforcement of orders not appealed within the 30-day limit and not complied with. The Board would function as an administrative court in a manner somewhat analogous to the operations of the Tax Court in internal revenue matters. The Board would have no policy or operating responsibilities similar to the ones traditionally lodged with FEP commissions. The Board is authorized to appoint hearing examiners who may be delegated the authority to render decisions in the name of the Board.

5. Judicial review: Decisions of the Board can be taken for review by the aggrieved party to the appropriate Federal circuit court of appeals. Similarly the administrator can apply to the circuit court for enforcement of an order by the Board that has not been complied with. Provision is also made for the administrator to apply to any Federal district court for an interim enforcement order of a decision pending on appeal before the Board.

6. Coverage: The legislation is comprehensive in its coverage. Persons subject to the act include any employer engaged in commerce or in operations affecting commerce, any government contractor, Federal agency, labor organization, and any employment agency financed or operated in whole or in part from public funds and any private employment agency engaged in commerce or supplying workers for an employer. Categories of exemption such as private employers not doing business with the Federal Government, employers of a certain size, or employers engaged in certain kinds of business have tended to create invidious and competitive comparisons with those industries

and companies including in former FEP bills. This legislation contains none of these exemptions or exclusions. Since the process of employment is clearly national in scope and impact, the legislation uses the commerce clause of the U.S. Constitution (art. I, sec. 8) as its justification for the participation of the Federal Government in guaranteeing equal employment opportunity.

JOB EQUALITY

"There is little value in a Negro's obtaining the right to be admitted to hotels and restaurants," said President Kennedy in his civil rights message, "if he has no cash in his pocket and no job." Here is a piece of simple, homespun commonsense; and we hope the whole of the administration will keep it clearly in mind as it presses the fight on Capitol Hill for a public accommodations law. They are equally important; and they are intimately interrelated.

It is disquieting, therefore, to hear reports that there is no great steam behind the measure just approved by the House Labor Committee to create a five-member Equal Employment Opportunities Board empowered to eliminate racially discriminatory practices in hiring and firing among all business enterprises affecting interstate commerce. This is a thoroughly practicable proposal. And it is indispensable to the attainment of real racial equality.

Fair employment practices commissions of various sorts are working successfully in a number of States. A national FEPC operated with great effectiveness—and with very little friction—during the war. It is just as possible and just as reasonable to forbid racial discrimination in job opportunities as to forbid it in businesses offering services to the general public. Enforcement must, of course, be preceded and accompanied by tactful and skilled efforts at persuasion. But it also must be backed by the ultimate sanction of legal compulsion. Nothing is more fundamental to the idea that all men are created equal than an equal chance for all men to make the most of their abilities.

Mr. HUMPHREY. Mr. President, since hearings on FEP legislation have already begun before the Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare, I ask unanimous consent for the bill to remain at the desk for only 1 additional day in order for other Senators to become cosponsors if they so desire. However, I will be pleased to ask subsequently for unanimous consent to add names of additional Senators and to have their names included on later printings.

The PRESIDING OFFICER. Without objection, it is so ordered.

BAN ON NUCLEAR TESTS IN THE ATMOSPHERE, IN OUTER SPACE, AND UNDER WATER

Mr. HUMPHREY. Mr. President, we are on the threshold of a truly historic development in international relations. Our negotiators in Moscow, headed by the distinguished citizen and public servant, Under Secretary of State Averell Harriman, are very close to reaching agreement with representatives of the Soviet Union and Great Britain to prohibit nuclear tests in the atmosphere, outer space, and under water.

This is a limited agreement to prohibit nuclear tests in these three environments. It will be an agreement, if it can be reached, which will have far-reaching consequences.

It is a proposal which I believe to be in our national interest. Later I shall discuss this in more detail.

It is a proposal which can assist in preventing the further spread of nuclear weapons into the hands of nations and individuals who are unreliable or less reliable. Such dispersal could only add tension to the world.

It is a proposal which safeguards vital American interests. I say this after having been privileged to see the draft treaty, as it was the privilege of each member of the Committee on Foreign Relations to do, and, I understand, of each member of the Joint Committee on Atomic Energy.

The Secretary of State spoke to us yesterday, and today he spoke to the Joint Committee on Atomic Energy. The Secretary of State fully discussed with us the provisions of the draft treaty.

If the draft treaty is agreed upon by the negotiators, it will be initialed in Moscow. At that time our negotiators will return to the United States to discuss the proposals with the Members of the Senate and the executive branch.

I mention this because the initialing of the proposed agreement will not be binding. It will be merely preliminary. In order for any agreement to be binding, it must first have the signature of the President of the United States or of the Secretary of State or of an officer appointed by the President of the United States with the authority to commit this Government. Of course, to be fully binding and to become a part of the supreme law of this land and to have merit in international tribunals, it must be ratified by the U.S. Senate.

Since one does not wish to speak about specifics at this juncture, suffice it to say that the proposed treaty provides an escape clause for the United States which will protect our national interest and our national security, in case of violation or evasion of the requirements of the treaty.

Let it be crystal clear that our Government, under the proposed treaty, will maintain in a constant state of alert and readiness our testing facilities, so that in case there is a violation, we can readily test, if we need to, for our own national security. Also, since the treaty will not include underground tests, it will permit the United States, if it wishes to do so, or if it finds it necessary, to conduct experimentation of nuclear technology, both weapons and for peaceful purposes, underground. It so happens that the United States is best equipped to undertake underground testing either for weaponry or for peaceful purposes.

So I judge this proposed treaty to be sound, safe, and in our national interests. Obviously it is in the interests of humanity.

I have a clipping from the daily press to which I wish to invite the attention of the Senate. It is from this morning's Washington Post, and relates to a significant study in Canada of the effect of radioactive rainfall due to atomic explosions, testing in the atmosphere. This rainfall has caused deformity and malformation of children. At least, this is the report of reliable medical and scientific sources in Canada.

We have an obligation to ourselves and to future generations to prevent any such disaster. Above all, we have an obligation to prevent the spread of nuclear weapons in a world filled with unrest and tension. I regret to say that in many other lands the leaders are less than reliable and responsible.

Finally, Mr. President, I wish to bring to the attention of the Senate the article which appeared this morning in the Washington Post, entitled "Where We Stand," by Joseph Alsop.

Mr. Alsop has not been a continuous proponent of a nuclear test ban treaty. Mr. Alsop is a keen student of national security. He cannot be looked upon as a pacifist. He cannot be looked upon as an appeaser. He cannot be called "one who is soft on the Russians." If anything, he has been called, many times, "tough-minded," and he has been spoken of as one who has advocated the strongest possible military defense of this Nation. In the past, Mr. Alsop has been highly critical of what he considered to be weaknesses in our defense policy.

The article, which came to my attention as I read the morning press, impressed me with the importance of the proposed treaty and the importance of the negotiations which are now under way.

I wish to read a few paragraphs. Mr. Alsop speaks of the balance sheet of military power as between ourselves and the Soviet Union, and particularly the balance sheet as between ourselves and the Soviet Union in terms of nuclear power. He states:

The U.S. missiles are smaller, more dependable and much more accurate—advantages considered greatly to outweigh their smaller warheads. And in this range of destructive power, the Soviets have not tested any warheads as efficient as ours—which means that they will not find it easy to go forward, as we have gone, from liquid-fueled to solid-fueled rockets.

Such, then, are the main features of the balance sheet. Even if we were to test an improved American warhead comparable to the Soviet 30-megaton type, we would not have any rockets capable of delivering it unless we made that retrograde step of returning to a liquid-fueled delivery system.

Meanwhile, as noted, the Soviets have somewhat handicapped themselves for the forward step to a solid-fueled rocket delivery system. In practical terms, therefore, it is hard to see why the United States will lose by the ban.

I digress from the article to say he means the nuclear test ban.

I continue to quote:

And this is all the more true since the omission of underground tests will keep the Atomic Energy Commission's weapons development laboratories in being and at work. A complete ban, which would all but annihilate the laboratories, would be a very different proposition.

The whole substance and weight of this article is in support of the nuclear test ban treaty. I pray—and I say this in all reverence—that we may be successful in these negotiations, because this could be the beginning of a brighter day among nations. The clouds that have covered the earth in the years since

World War II may be lifted a bit, and a ray of light and hope may come through.

Many people wonder why the Soviet Union seems to be more agreeable to a nuclear test ban agreement or treaty. I cannot fully understand the motives of the Soviets or why they do what they do, but I think there are one or two facts which are quite obvious.

First of all, the Soviets are having to decide whether they are to continue the arms race and sacrifice economic growth, or whether they should reduce the arms race in order to have more economic growth. The Soviet economic system finds it difficult to support both an arms race and adequate economic expansion.

It has been my view for years that, if we are to have an arms race, we ought to have one big enough so that the Soviet must make a choice President Kennedy's defense policy and national security policy, without being emotional, belligerent, bellicose, or strident, has served to build up the strength of American military power—surely and consistently—with the cooperation of Congress. I believe the Soviet Union has now had to make the choice—the choice was either armaments and sacrifice their 5-year, 7-year, or 20-year plan, or reduce armaments and east tensions in order to go forward with her economic program. This is a sensible policy on our part. I think it has paid off.

Secondly, I think the change in relations between the Soviet Union and the United States started on that day in October 1962 when the President informed the Soviet Union we would not tolerate Soviet missiles in this hemisphere, and when the President of the United States, again without being belligerent, without being emotional, without being bellicose, but by being firm and resolute, informed Premier Khrushchev that those missiles must go or the consequence would be war, and that we were prepared to take that step. There was some rethinking in the Kremlin.

To the eternal credit of President Kennedy, he did not rub salt into the wounds of Soviet pride. He did not listen to the cries that came from this body and elsewhere that we do more things in Cuba and that we do more things that would humiliate the Soviets. But the President of the United States did what was necessary to be done in terms of our commitments to the free world and our national security. Premier Khrushchev understood that, and he has responded as a man who understands power and the use and application of power. Our President understands power and the use and application of power, with restraint and responsibility.

In the months since last October there have been many exchanges of letters between the two heads of state, President Kennedy and Premier Khrushchev. Some of them have been made public; others have not. The President has acted as a statesman, not as a demagog. The President has acted as a world leader, and not as a precinct politician. And because he has acted as a statesman and as a world leader, and because he has acted firmly and with resolution, without being belligerent or bellicose, it appears he may be reaping a part of the harvest of sensible, constructive, affirmative, responsible foreign policy.

Nikita Khrushchev is faced with the problems of Communist China and the ideological struggle going on in the Communist world. Nikita Khrushchev says that the way to expand communism is by way of peaceful coexistence, and he defends his policy against Communist attack from China.

I note for the record—and I shall comment on them later—that the radio broadcasts from Peiping, and the newspaper articles from the controlled press in Communist China, view the proposed nuclear test ban treaty as appeasement by Russia, charging that Nikita Khrushchev has yielded to what the Chinese Communists call the imperialists of the West. But I have the feeling that Mr. Khrushchev may very well have boxed the Chinese Communists into a corner, from which they cannot find a way out. What is that corner? It is that the people of the world want peace, not war. It is that those who speak and work for peace will have the following of the masses of the people.

I think Mr. Khrushchev does not want to argue with the Chinese Communists the issues of Marxism and Leninism and communism. It is a fact that he has deviated somewhat from the traditional line of Marxism and Leninism. But, be that as it may—and I do not claim to be an expert on Marxism and Leninism—Nikita Khrushchev will do better for himself and his country by being an advocate of restraint and peace, limiting nuclear tests and prohibiting nuclear tests, than will the leaders of Chinese communism in advocating war, aggression, and more tests.

I happen to believe the Russian Communists have been willing to make this concession on the nuclear issue because of the greater political rewards that it will give to them, not the military rewards.

So let us hope that, whatever those reasons may be, the test ban agreement can be consummated. If it is, I say that the American people will want the Senate of the United States, after careful examination and hearing, to ratify it.

Let it be clearly understood that no treaty will be brought to the Senate that would sacrifice our national security. Consultations are taking place hourly with Members of the Senate who hold responsible and key positions. Before any treaty reaches any Senator, it will be gone over carefully by the Senate. In other words, as the late Arthur Vandenberg said, "We will be present at the takeoff, not merely at the crash landings." We will be a part of the consultations and advisory process. Then when the treaty comes here for our action, I cannot believe the U.S. Senate will reject it.

Once before we rejected a treaty, the Versailles Treaty, and the League of Nations, and we paid a horrible price. I think we have learned our lesson, and I think we will accept that treaty and ratify it, if the treaty contains provisions that the Foreign Relations Committee thinks should be included.

Mr. President, I ask unanimous consent that the article to which I referred, written by Mr. Alsop, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE WE STAND

(By Joseph Alsop)

The most obvious effect of the agreement on a nuclear test ban is to freeze the existing American and Soviet nuclear weapons systems except in the limited areas where progress can be made by underground testing.

We are undoubtedly due to hear much heated argument about the advantages and risks of this nuclear version of the old children's game called still pond, no more moving. Hence it may be in order to offer a cool assessment of the present stage of United States and Soviet nuclear weapons development.

In the current stage of the grim nuclear art, it must be noted, the test of success is not mere destructiveness. The main test is, rather, what some of the scientists call the weight-to-bang ratio.

In other words, if you can pack more kilotonnage or megatonnage of destructive power into a given weight of bomb than your rival has managed to do, you are in the lead. The weight-to-bang ratio is so important, in turn, because light bomb weights make for simpler delivery systems; and the delivery systems nowadays count far more than bomb stocks in all calculations of the balance of nuclear striking power.

When this test of the weight-to-bang ratio is applied to United States and Soviet nuclear weapons development, what emerges is quite wonderfully banal. We are ahead of the Soviets in the kind of weapons we want and have tried extra hard to develop. And the Soviets are ahead of us in the kind of weapons they want and have emphasized in their development program.

Nothing could be less unexpected. Yet the cry is already being raised in some quarters that the nuclear test ban has been agreed to when "the Soviets are ahead." In hard-nosed Soviet circles, meanwhile, one may be pretty sure that there is grumbling about a test ban being agreed to when "the United States is ahead." In both cases, the question to ask is, "Ahead, how and where?"

To be more specific, the Soviets are ahead, in terms of the weight-to-bang ratio, in the development of weapons of very high megatonnage. They have tested a 100-megaton bomb; but its estimated weight of hundreds of thousands of pounds, though fairly low for its destructive power, still forbids the use of this bomb in combination with a rocket-delivery system.

More important, the Soviets have also tested a 30-megaton bomb, whose weight is thought to be low enough to make it deliverable by their very large, powerful but cumbersome intercontinental ballistic missiles. Warheads of this pattern may well be used for some, at least, of the second generation Soviet ICBM's (comparable to our late-model Titans), which are now beginning to be deployed in Russia.

The American military theorists, in contrast, have consistently held that 10 megatons was about the limit of the really useful explosive power of a nuclear weapon. Hence the U.S. nuclear weapons program has emphasized warheads and bombs of powers up to 10 megatons, and in this range the United States has the lead.

The weight-to-bang ratio of the American weapons is particularly good, as might be expected, in the warheads designed for use with Polaris and Minuteman missiles. The numbers of Polaris and Minuteman missiles in the American program considerably exceed

the numbers of second-generation ICBM's being deployed by the Soviets.

The U.S. missiles are smaller, more dependable and much more accurate—advantages considered greatly to outweigh their smaller warheads. And in this range of destructive power, the Soviets have not tested any warheads as efficient as ours—which means that they will not find it easy to go forward, as we have gone, from liquid- to solid-fueled rockets.

Such, then, are the main features of the balance sheet. Even if we were to test an improved American warhead comparable to the Soviet 30-megaton type, we would not have any rockets capable of delivering it unless we made the retrograde step of returning to a liquid-fueled delivery system.

Meanwhile, as noted, the Soviets have somewhat handicapped themselves for the forward step to a solid-fueled rocket delivery system. In practical terms, therefore, it is hard to see why the United States will lose by the ban.

And this is all the more true since the omission of underground tests will keep the Atomic Energy Commission's weapons development laboratories in being and at work. A complete ban, which would all but annihilate the laboratories, would be a very different proposition.

Mr. MORSE. Mr. President, I say to my good friend from Minnesota that I associate myself with him in the remarks he made in regard to the probability of a test ban treaty going into effect. I said yesterday, following the briefing by our great Secretary of State—and historians will record that he was one of the greatest in our history—that if we are successful in negotiating with Russia and Great Britain a test ban treaty which comes even close to the kind of proposal the Secretary of State told us was under present discussion, it would be a great day for mankind. We will either negotiate in the not too distant future an end to this insane nuclear armaments race, or we will have to assume our share of the responsibility for the destruction of most of mankind.

I am one who thinks that these are solemn days in which we live when we take a look at our responsibilities. Therefore I share the view of the Senator from Minnesota that such a treaty should be negotiated and ratified; and I am confident if the American people and the Congress understand it, if it is presented to us, it will be ratified.

Mr. HUMPHREY. Mr. President, I should like to read into the RECORD a statement which was released today by the distinguished Representative from California, CHET HOLIFIELD, following discussions at a meeting of the Joint Committee on Atomic Energy, at which the Secretary of State and the Director of the Arms Control and Disarmament Agency, Mr. Foster, appeared. Mr. HOLIFIELD states more succinctly and concisely and eloquently what I believe to be the merits of the proposed treaty than anything I have read or heard. He says:

The prevention of thermonuclear war is the paramount task of our time. Thermonuclear war would destroy not only the political structures of leading nations, but their populations and physical assets.

The responsibility of the national leaders of nuclear nations is to achieve genuine arrangements and agreements which will give their peoples the right of survival.

Through diplomatic negotiation, based on the grim realization that there can be no victor in a world nuclear struggle, we seem to be approaching an international agreement containing reasonable terms for the prohibition of nuclear tests in space, water, and air.

In my opinion, we can well afford to take this step. We can accept the minimal risks involved, when compared to the increasing danger of an unrestricted nuclear arms race. We need time to achieve further reduction of international tensions so we can negotiate bona fide agreements and arrangements for the attainment of world peace.

Mr. President, it seems to me that this states the case very clearly; namely, that, although there may be some risks, they are much less than if we continue with no agreement. It points out that this could well open vistas and portals to future opportunities to reduce tensions and to take additional steps down the path of a just and enduring peace.

We need to remember that peace, as President Kennedy has said, is a process. It takes time. It takes building blocks to achieve it. The possibility of reaching agreement on a limited test ban treaty would provide a most important stone in that edifice of world peace.

FOREIGN AID

Mr. MORSE. Mr. President, my speech today on foreign aid will be very brief. I am talking about a very vital issue. I am honored that my friend from Minnesota is present, because a part of it involves a subject matter in which he has taken a very active interest for years. I wonder if my friend from Minnesota is even aware of the course of action the Foreign Relations Committee, of which he is a member, took the other day in regard to this issue.

(At this point Mr. HUMPHREY took the chair as Presiding Officer.)

Mr. MORSE. My friend from Minnesota was not present at the meeting of the Foreign Relations Committee, and for a very good rason. He is the whip of the Democratic Party in this body, which means that he is assistant majority leader, and a very able one, and was engaged in very important official work of the Senate, where he was participating in a conference at a very high level which made it impossible for him to be at the meeting of the Foreign Relations Committee. In his absence and in the absence of a considerable number of other members of the committee, an amendment to the foreign aid bill was adopted in the Foreign Relations Committee, and in adopting it a large number of proxies were used.

Let the record be clear that the Senator from Minnesota did not leave his proxy; at least, he did not leave it in the hands of those who used their proxies to adopt this very unfortunate amendment. The Senator from Minnesota could not have been aware that the amendment was going to be offered at that time, because I cannot imagine, if he were aware of it, that he would not have left his proxy with me for me to use to help defeat the amendment. It would not have been enough, but it would have closed the gap, because we needed very few votes to close that gap.

The amendment was to delete the statement of policy in the foreign aid bill. About the best thing in the foreign aid bill was the statement of policy. It is too bad that the foreign aid bill is so constructed that it cannot possibly implement this grand statement of policy that was deleted. That is not the reason for its deletion. If it had been deleted on that basis, there would be some sense in the course of action. It was not deleted for that reason. It was deleted for another reason, and it is a very serious reason.

There are serious implications in the deletion. The country needs to be notified as to what the Foreign Relations Committee has done. I wish to say to the country: "You still have time to make clear to those on the Foreign Relations Committee, who made this great mistake, in my judgment, that you want it changed."

The Foreign Relations Committee will be given an opportunity to change that decision, because I shall move that it reconsider its action. If I lose in committee, I shall move an amendment on the floor of the Senate which will change this action of the Foreign Relations Committee in the matter of policy.

I ask unanimous consent that there be printed in the RECORD at this point in my remarks the statement of policy of the foreign aid bill which was in the bill as it came to Congress from the administration.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SEC. 102.[1] STATEMENT OF POLICY.—It is the sense of the Congress that peace depends on wider recognition of the dignity and interdependence of men, and survival of free institutions in the United States can best be assured in a worldwide atmosphere of freedom.

To this end, the United States has in the past provided assistance to help strengthen the forces of freedom by aiding peoples of less developed friendly countries of the world to develop their resources and improve their living standards, to realize their aspirations for justice, education, dignity, and respect as individual human beings, and to establish responsible governments.

The Congress declares it to be a primary necessity, opportunity, and responsibility of the United States, and consistent with its traditions and ideals, to renew the spirit which lay behind these past efforts, and to help make a historic demonstration that economic growth and political democracy can go hand in hand to the end that an enlarged community of free, stable, and self-reliant countries can reduce world tensions and insecurity.

It is the policy of the United States to strengthen friendly foreign countries by encouraging the development of their free economic institutions and productive capabilities, and by minimizing or eliminating barriers to the flow of private investment capital.

In addition, the Congress declares that it is the policy of the United States to support the principles of increased economic cooperation and trade among countries, freedom of the press, information, and religion, freedom of navigation in international waterways, and recognition of the right of all

[1] 22 U.S.C. 2151.

NOTE.—The Foreign Assistance Act will be referred to as the FA Act and "this act." The Foreign Aid and Related Agencies Appropriation Act, 1963, will be referred to as the FA Appropriation Act, 1963.

private persons to travel and pursue their lawful activities without discrimination as to race or religion. The Congress further declares that any distinction made by foreign nations between American citizens because of race, color, or religion in the granting of, or the exercise of, personal or other rights available to American citizens is repugnant to our principles.[2] In the administration of all parts of this Act these principles shall be supported in such a way in our relations with countries friendly to the United States which are in controversy with each other as to promote an adjudication of the issues involved by means of international law procedures available to the parties.[3]

Accordingly, the Congress hereby affirms it to be the policy of the United States to make assistance available, upon request, under this part in scope and on a basis of long-range continuity essential to the creation of an environment in which the energies of the peoples of the world can be devoted to constructive purposes, free of pressure and erosion by the adversaries of freedom. It is the sense of the Congress that assistance under this part should be complemented by the furnishing under any other Act of surplus agricultural commodities and by disposal of excess property under this and other Acts.

Also, the Congress reaffirms its conviction that the peace of the world and the security of the United States are endangered so long as international communism continues to attempt to bring under Communist domination peoples now free and independent and to keep under domination peoples once free but now subject to such domination. It is, therefore, the policy of the United States to continue to make available to other free countries and peoples, upon request, assistance of such nature and in such amounts as the United States deems advisable and as may be effectively used by free countries and peoples to help them maintain their freedom. Assistance shall be based upon sound plans and programs; be directed toward the social as well as economic aspects of economic development; be responsive to the efforts of the recipient countries to mobilize their own resources and help themselves; be cognizant of the external and internal pressures which hamper their growth; and should emphasize long-range development assistance as the primary instrument of such growth.

It is the sense of Congress that in the administration of these funds great attention and consideration should be given to those countries which share the view of the United States on the world crisis and which do not, as a result of United States assistance, divert their own economic resources to military propaganda efforts, supported by the Soviet Union or Communist China, and directed against the United States or against other countries receiving aid under this Act.[4]

The Congress further declares that in the administration of programs of assistance under this Act the highest practicable emphasis should be given to: programs providing for loans or loan guarantees for use by institutions and organizations in making repayable low-interest rate loans to individuals in friendly foreign countries for the purchase of small farms, the purchase of homes, the establishment, equipment and strengthening of small independent business concerns, purchase of tool or equipment needed by individuals for carrying on an occupation or a trade or financing the opportunity for individuals to obtain practical education in vocational and occupational skills, and to those programs of technical assistance and development which will assist in carrying out and in preparing a favorable environment for such programs. While recognizing that special requirements, differing development needs and political conditions in various assisted countries will affect the priority of such programs and of each country's relative ability to implement them, it is further the sense of Congress that each such assisted country should be encouraged to give adequate recognition to such needs of the people in the preparation of national development programs.[5]

The Congress reaffirms its belief in the importance of regional organizations of free peoples for mutual assistance, such as the North Atlantic Treaty Organization,[6] the Organization for Economic Cooperation and Development, the European Economic Community, the Organization of American States,[7] the Colombo Plan, the South East Asia Treaty Organization,[8] the Central Treaty Organization,[9] and others, and expresses its hope that such organizations may be strengthened and broadened, and their programs of self-help and mutual cooperation may be made more effective in the protection of the independence and security of free people, and in the development of their economic and social well-being, and the safeguarding of their basic rights and liberties.

Finally, the Congress urges that all other countries able to contribute join in a common undertaking to meet the goals stated in this part. It is the sense of Congress that, where feasible, the U.S. Government invite friendly nations to join in missions to consult with countries which are recipients of assistance under this part on the possibilities for joint action to assure the effective development of plans for the economic development of such recipient countries and the effective use of assistance provided them; and that the President may request the assistance of international financial institutions in bringing about the establishment of such missions.[10]

Mr. MORSE. Mr. President, I will not take the time, because of the lateness of the hour, to read this magnificent statement of objectives. Would that we had a foreign aid bill that carried out this magnificent statement. I will do my best to make the bill do so. Next week I shall discuss the matter of the shocking waste of the foreign aid bill in connection with equipment that we have sent abroad under both the military aid and economic aid programs. Do Senators know who my witness will be?

I shall figuratively put on the stand in the Senate the Comptroller General of the United States.

The Comptroller General of the United States, one of our most dedicated public officials, is really an officer or an agent of Congress. Congress created his office and charged it with the responsibility of serving as a watchdog over the executive branch of the Government with respect to the expenditure of Federal funds. Nobody has been talking about the Comptroller General's findings; but every member of the Committee on Foreign Relations knows what he has been finding. We have been getting envelopes with the reports of the Comptroller General marked "Top Secret." In some instances we have to sign a receipt, the contents are so top secret. But report after report from the Comptroller General shows the shocking waste of the equipment that we have for years been shipping abroad, paid for by American taxpayers. Yet those countries which are asking for more and more equipment cannot use and do not use the equipment we have already sent them. That will be the subject of a part of my speech next week. Tonight I shall talk about the policy statement.

I may say, in response to a message that has been handed to me, that I shall be finished before 6 o'clock.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. If I am not interrupted, I shall be through before 6 o'clock.

Mr. MANSFIELD. So that there may be no misunderstanding, what the Senator from Oregon is referring to is a meeting to be held by the Committee on Commerce at 6 o'clock to consider proposed railroad legislation.

Mr. MORSE. Just focus attention on the clock. I shall conclude in 6 minutes, if I am left alone.

Mr. MANSFIELD. I shall do so.

Mr. MORSE. It may take 6 minutes to devastate the Committee on Foreign Relations on the mistake it made the other day in eliminating the statement of policy from the foreign aid bill. What was included in that elimination is very interesting. Many times we have had a historic battle on the floor of the Senate, starting in 1955, with respect to the Lehman-Morse resolution; then, in 1959, on the Morse-Javits amendment to the foreign aid bill; then, in 1960, 1961, and 1962, standing firm in support of the language we have written into the law, language now removed by the Committee on Foreign Relations in the action it has taken, which puts this Government on record as against aid to any country that discriminates against American citizens because of religious faith.

Mr. President, every Member of this body knows about the debate to which I allude. I say to the proponents of the amendment: "If you want to raise that fight again, we are ready to take you on, because you cannot justify this retreat in respect to American idealism." I am one Senator who will say to those groups in America that stand for tolerance, that believe in religious freedom, that we must protect our ideals and principles in regard to religious freedom and nondiscrimination because of religious faith. We must say to the Senate, and if necessary to the House of Representatives, that we want those guarantees rewritten into the foreign aid bill.

I will remember that fight. I was told in 1955 that we could not pass the Lehman-Morse resolution. Presiding over the Senate at the present moment, and sitting in the majority leader's chair, are two Senators who performed yeoman service in support of the Lehman-Morse resolution: the Senator from Minnesota [Mr. HUMPHREY] and the Senator from

[2] This sentence was added by sec. 101(a) of the FA Act of 1962.

[3] See also sec. 106 of the FA Appropriation Act, 1963, p. 80.

[4] This paragraph was added by sec. 101(b) of the FAAct of 1962.

[5] This paragraph was added by Sec. 101(b) of the FAAct of 1962.

[6] For text of the North Atlantic Treaty, see p. 600.

[7] TIAS Doc. No. 2361.

[8] TIAS Doc. No. 3170.

[9] For U.S. Agreements with CENTO countries, see TIAS Doc. Nos. 4189 (Iran), 4190 (Pakistan), and 4191 (Turkey).

[10] This sentence was added by sec. 101(c) of the FAAct of 1962.

Montana [Mr. MANSFIELD]. In 1959, the same two Senators stood with the Senator from Oregon and the Senator from New York [Mr. JAVITS], in support of an amendment to the foreign aid bill that wrote those guarantees into the statement of policy of the foreign aid bill of that year.

It will be remembered that in the battles of 1960 and 1961, the same kind of drive was made to have us retreat. There were dictators in the world to whom we were giving millions of dollars of foreign aid, but who would not let Jewish boys serving in the Armed Forces, and wearing the uniform of the U.S. Government, enter their lands. I said in 1955, 1959, 1960, 1961, and 1962, and I repeat on the floor of the Senate, "Bring all our forces home, if we cannot send Jewish boys, serving that flag behind the chair of the Presiding Officer, and as loyal as any Gentile." That is what is behind this fight. Let us get it out in the open.

This is an ugly issue. In my judgment, the Committee on Foreign Relations should retrace its steps. The magnificent statement of policy by President Kennedy, which continues the inclusion of this pledge of America idealism, of religious freedom, and of nondiscrimination, must, in my judgment, be reestablished in the bill.

I hope enough has been said. I respectfully serve notice that we will wage this fight, unless the majority of the Committee on Foreign Relations will retrace its steps and put the policy statement back into the bill. If they fail to do so, and if we lose in committee, we will fight it out on the floor of the Senate.

But tonight I alert the defenders of tolerance in America to take note of what is happening in connection with the foreign aid bill and to make clear their wishes to Congress.

Mr. President, it is now 3 minutes before 6 o'clock. I yield the floor.

ADJOURNMENT

Mr. MORSE. Mr. President, in accordance with the order previously entered, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 57 minutes p.m.) the Senate adjourned, in accordance with the previous order, until tomorrow, Thursday, July 25, 1963, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, July 24, 1963:

DIPLOMATIC AND FOREIGN SERVICE

Henry Cabot Lodge, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vietnam.

FEDERAL HOME LOAN BANK BOARD

John E. Horne, of Alabama, to be a member of the Federal Home Loan Bank Board for the term expiring June 30, 1967.

SMALL BUSINESS ADMINISTRATION

Eugene P. Foley, of Minnesota, to be Administrator of the Small Business Administration, vice John E. Horne.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

1. For appointment:

To be senior surgeon

Maria Sarrigiannis

To be senior assistant surgeons

Crittenden E. Brookes	David C. Kay
Samuel Dubin	Elliot I. Morrison
Jan A. Fawcett	David J. Muller
Richard L. Gross	Edward M. Pattison
Eric J. Hanson	Monroe Pray, Jr.
Harvey J. Karten	John A. Schremly
Kenneth G. Kassebaum	Thorbjorg Sigurdson
	Leon R. Wanerman

The following named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major generals

Brig. Gen. John W. White, 1087A, Regular Air Force.

Brig. Gen. Robert H. Curtin, 1643A, Regular Air Force.

Brig. Gen. Abe J. Beck, 5831A, Regular Air Force.

Brig. Gen. William S. Steele, 1229A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Bertram C. Harrison, 1425A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Henry C. Huglin, 1436A (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Joseph T. Kingsley, Jr., 1702A (colonel, Regular Air Force) U.S. Air Force.

To be brigadier generals

Col. Thomas P. Corwin, AO328499R, Air Force Reserve.

Col. James H. Isbell, 1463A, Regular Air Force.

Col. Stebbins W. Griffith, 3944A, Regular Air Force.

Col. William L. Mitchell, Jr., 4063A, Regular Air Force.

Col. Luther H. Richmond, 4133A, Regular Air Force.

Col. Robert W. Paulson, 3871A, Regular Air Force.

Col. William T. Daly, 3947A, Regular Air Force.

Col. Robert H. McCutcheon, 4150A, Regular Air Force.

Col. William J. Meng, 4510A, Regular Air Force.

Col. George S. Boylan, Jr., 4836A, Regular Air Force.

Col. Oris B. Johnson, 5052A, Regular Air Force.

Col. Howard J. Withycombe, 4000A, Regular Air Force.

Col. William C. Bacon, 4828A, Regular Air Force.

Col. Fred J. Higgins, 20019A, Regular Air Force.

Col. Ernest C. Hardin, Jr., 8211A, Regular Air Force.

Col. Royal B. Allison, 8451A, Regular Air Force.

Col. James T. Stewart, 8692A, Regular Air Force.

Col. Andrew S. Low, Jr., 8890A, Regular Air Force.

Col. Russell E. Dougherty, 9985A, Regular Air Force.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 24, 1963

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Luke 4: 4: *Man shall not live by bread alone, but by every word of God.*

O Thou source of every good and needed blessing, we penitently confess that we are frequently tempted to yield to the fallacy that living becomes worth while when we possess an abundance of this world's goods.

We are continually ignoring the warning of the Master that "man does not live by bread alone" and that life measures up to its real value not by accumulating quantities of material things but by achieving lofty qualities of spirit.

Grant that we may pursue and accept life on the higher terms of a faith that conquers all anxiety and by a trust in Thee that meets life's hard experiences with courage and hope.

Show us how we may master the fine art of living by gaining for ourselves Thy divine attributes of love and holiness and by reaching out toward others in service and sacrifice.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

IN MEMORIAM—THE LATE HONORABLE HJALMAR NYGAARD, OF NORTH DAKOTA

The SPEAKER. The Chair recognizes the gentleman from North Dakota [Mr. SHORT].

Mr. SHORT. Mr. Speaker, as most Members of the House know, my colleague from North Dakota, HJALMAR NYGAARD, suffered a fatal heart attack here in the Capitol Building on last Thursday afternoon.

To say that I was shocked and saddened is hardly an adequate expression of my emotions at losing HJALMAR as an experienced and able partner in this assignment of representing the people of North Dakota here in the National Congress. I say this is hardly an adequate expression because HJALMAR, in addition to being my colleague in Congress, was my close friend. We had served together during my one term in the North Dakota House of Representatives, and since we have been together here in Congress, our acquaintance had developed into a personal friendship. The good Lord just does not create finer people than HJALMAR—and I am sure those of you here who got to know him and had occasion to work with him, share and understand my feelings.

My sorrow also extends to Mrs. Nygaard, "Tommy" to those who know her well, because I learned to know of the deep affection that existed between these two wonderful people. I know my loss of a close personal friend is almost nothing compared to Tommy's loss of her lifelong partner and beloved husband.

HJALMAR was born on a farm near Sharon, N. Dak., in 1906, and spent practically his entire life in his native State. He received his college education at Mayville Teachers College and the University of North Dakota, and as a young man taught school for several years. In his hometown of Sharon, N. Dak., he operated a grocery store, served as mayor of the town, and as a member of the school board. Perhaps this was when HJALMAR first became interested in politics because we find him doing more than his